# LOK SABHA DEBATES

(Part I – Questions and Answers)

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LOK SABHA SECRETARIAT

NEW DELHI

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LOK SABHA

*Wednesday, 1st September, 1954*

*The Lok Sabha met at a Quarter Past Eight of the Clock*

[MR. SPEAKER *in the Chair*]

## ORAL ANSWERS TO QUESTIONS

### RESEARCH IN AYURVEDIC SYSTEM

*333. **Shri D. C. Sharma:** Will the Minister of **Health** be pleased to state:

(a) whether any research is being conducted in Ayurvedic system of medicine; and

(b) if so, what is its nature?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) Yes.

(b) A statement giving the information, as far as is available is laid on the Table of the House. [*See* Appendix III, annexure No. 24.]

**Shri D. C. Sharma:** I have gone through the statement laid on the Table of the House which gives an account of the several projects undertaken. May I know from the hon. Minister if any of these projects is near completion or when some of the projects are going to be completed?

**Rajkumari Amrit Kaur:** In the matter of research, it is extremely difficult to give any time-table for its completion.

**Shri D. C. Sharma:** May I know if any research is being carried on in the case of those diseases which are common to the common man except in the case of cholera where research is being carried on, and also in those medicines which are used most by the common man and prescribed by the Ayurvedic physician in the ordinary villages and cities?

**Rajkumari Amrit Kaur:** Certainly research is now being carried on in regard to common complaints of the people. For example, anaemia is extremely common and researches are being carried on in anaemia and on troubles of eye, ear, nose and throat. Also researches are being carried on in regard to the Ayurvedic medicines that can be used with benefit in the cure of these complaints.

**सेठ गोविन्द दास :** जो अब तक इस सम्बन्ध में खोज हुई हैं, क्या उनमें से कुछ दवाइयों का उपयोग भिन्न भिन्न स्थानों पर हो रहा है जो सरकार द्वारा संचालित होते हैं ?

**राजकुमारी अमृतकौर :** जी हां । यह खोज हो रही है, वहां पर जो मरीज आते हैं उन पर इन दवाइयों का इस्तेमाल किया जाता है और उनका असर नोट किया जाता है । रिसर्च तो इसी तरह से होती है ।

**Shri D. C. Sharma:** May I know if any attempt is being made to discover the common grounds between Ayurvedic and what is called the allopathic system of medicine?

**Rajkumari Amrit Kaur:** I do not exactly understand what is meant by the question, but I would like to say that the approach is so different that it is very difficult in my opinion to have a synthesis.

### BREACH IN THE RAILWAY LINE NEAR DOMOHANI

*335. **Shri Barman:** Will the Minister of **Railways** be pleased to state:

(a) the extent of the breaches in the railway line near Domohani (N. E.

Rly.) by the waters of the river Teesta in June 1954;

(b) when the Railways were first apprised of the danger that threatened the line;

(c) the steps taken by the Railways to avert the danger; and

(d) the extent of damage caused to the Railway property, private individuals, and the agricultural lands etc. as a result of the breach or breaches?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) There was one serious breach of about 3,500 ft. in length and three others of 250, 120, and 70 ft. in length near Domohani.

(b) and (c). In July 1953 a new channel thrown out by the Teesta started flowing along the toe of railway bank near Domohani. The West Bengal Government were apprised of this and they were requested to provide flood protection bund. The work of constructing retired bund was taken up by the State Government and a portion of that was completed before the actual breach took place;

(d) Damage to railway property is estimated to the extent of Rs. 40 thousands. The extent of damage to private individuals and the agricultural lands is not known to the Railway.

**Shri Barman:** May I know whether the Railway on the one hand and the State Government on the other were trying to throw the responsibility of protecting this part of the railway line on each other and as a result of that no Government took any steps in time?

**Shri Shahnawaz Khan:** The Railway accepted full responsibility for what it was responsible. The task of providing bunds to stop floods is not the responsibility of the Railway and it was entirely the responsibility of the State Government who accepted it fully and started work on it.

**Shri Barman:** Is it not a fact that it was the railway line that ran through the bank of the new channel thrown out by the Teesta and according to the common notion the Railway should have done the spur work at Domohani to stop this breach and loss and damage to private property as a consequence?

**Shri Shahnawaz Khan:** As I have stated in my answer, the new branch channel was thrown out by the Teesta recently; it was not there before. It was thrown out in May or June 1953. It was a new development.

**Shri Barman:** May I know whether as a result of the breach of this line, the main line from Domohani to Changrabandha which is the last station bordering Pakistan is also breached? What do the Government propose to stop the breach of that line? What steps do they propose to take next?

**Shri Shahnawaz Khan:** We propose to repair the breaches as soon as possible and then request the Government of West Bengal to put up bunds to stop the floods.

FLYING AND GLIDING CLUBS

*336. **Sardar Hukam Singh:** Will the Minister of **Communications** be pleased to state:

(a) the number of (i) subsidized flying clubs and (ii) Gliding Clubs in the country on the 1st July, 1954;

(b) the amount of subsidy given to these clubs separately during 1953-54; and

(c) the number of pilots trained by them during the last twelve months?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) 11 flying clubs and two gliding clubs.

(b) Rs. 8·47 lakhs for the flying clubs and Rs. 30,000 for the gliding clubs.

(c) During the year ending the 30th June 1954, the flying clubs trained 144 'A' and 30 'B' pilots and the gliding clubs, 142 glider pilots.

**Sardar Hukam Singh:** Out of this number how many could be absorbed in the services?

**Shri Raj Bahadur:** During the year ending 30th June 1954, 30 trainees have taken B licences. As is well known to the hon. Member, those possessing B licences have got to undergo Dakota endorsement training at the training centre Allahabad for which they have to apply and have to be selected by a Board. After they have been selected and have undergone the required training for Dokota endorsement, they will be eligible for absorption.

**Sardar Hukam Singh:** What is the number of those on the waiting list as pilots?

**Shri Raj Bahadur:** We invited applications for Dakota endorsements training and the number that applied is 93. For this year we propose to Select as many as 42. The course is for four months and one batch comprises of 12 people; we are taking six extra as standby.

**Shri G. S. Singh:** May I know whether Government propose to amalgamate the flying and gliding clubs, especially when they are located in the same station?

**Shri Raj Bahadur:** That is not our intention.

NATIONAL MARITIME BOARD

*338. **Shri Gidwani:** Will the Minister of **Transport** be pleased to state:

(a) the measures that are being adopted by Government to protect Indian seamen from maltreatment by foreign Ship-owners and their agents;

(b) the steps so far taken to safeguard the interests of Indian seamen with regard to the security of their employment, insurance against sickness, death and injury and other adverse factors; and

(c) whether Government have considered the demand of the Indian Seafarers' Federation for instituting a National Maritime Board to deal with these questions?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) There have been no general complaints of the nature referred to by the Hon'ble Member, though sometimes complaints have been received against individual officers about maltreatment of crews. When such complaints are received, they are enquired into by the Shipping Master concerned and suitable action taken wherever necessary to redress genuine grievances.

(b) It is considered that the first essential step for improving the general conditions of service of Indian seamen is to reorganise the system of their recruitment and to place it on a sound footing. Necessary action is already being taken in this direction.

(c) Yes. The Indian Seafarers' Federation have been informed that their suggestion will receive due consideration after the problems of recruitment have been dealt with.

**Shri Gidwani:** How long will it take for Government to consider the question?

**Shri Alagesan:** Which question?

**Shri Gidwani:** The question of instituting a National Maritime Board—arising out of the answer to part (c) of the question.

**Shri Alagesan:** As I indicated in part (b) of my answer, the first thing that is necessary is to put the recruitment of seamen on a sound footing.

**Mr. Speaker:** He wants to know the time-length that will be taken.

**Shri Alagesan:** At present I am unable to indicate the time.

DELHI TRANSPORT SERVICE

*339. **Shri Radha Raman:** Will the Minister of **Transport** be pleased to state the total income and expenditure of the Delhi Transport Service during the years 1952-53 and 1953-54?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):**

| Year | Income | Expenditure |
|---|---|---|
| | Rs. | Rs. |
| 1952-53 | 78·05 lakhs | 73.77 lakhs |
| 1953-54 | 80·34 ,, | 81·17 ,, |

**Shri Radha Raman:** May I know how this income and expenditure compare with the previous two years of its working, what capital was invested during these two years in the Delhi Transport Service, and also what is proposed to be invested during the current year?

**Shri Shahnawaz Khan:** During the years 1952-53 and 1953-54 there has generally been an improvement in the income. The loans advanced are as follows:

| | |
|---|---|
| 1950-51 | Rs. 20 lakhs. |
| 1951-52 | Rs. 20 lakhs. |
| 1952-53 | Rs. 35 lakhs. |
| 1953-54 | Rs. 45 lakhs. |

**Shri Radha Raman:** And 1954-55?

**Shri Shahnawaz Khan:** It is expected that the loan for 1954-55 will be to the extent of Rs. 80 lakhs.

**Shri Radha Raman:** How much of the income for these years was separately utilised for the purchase of new buses and for amenities of passengers?

**Shri Shahnawaz Khan:** The net profits were comparatively small, varying between Rs. 3 to Rs. 4 lakhs. Therefore, we could not utilise very much of it for purchase of new vehicles. But the loans were utilised for purchase of new vehicles and for passenger amenities.

**श्री एम० एल० द्विवेदी :** मैं यह जानना चाहता हूं कि क्या यह सच है कि पुरानी दिल्ली में ट्राम कार्स के बदले में नई बसेज चलाई जायेंगी, यदि हां, तो यह कब तक चालू हो जायेंगी ?

**रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) :** जी हां, तजवीज ऐसी है कि यह जो ट्रैमवेज हैं उन्हें हटा कर बसेज चलाई जायें और मैं उम्मीद करता हूं कि यह काम छः महीने के अन्दर हो जायेगा ।

**Shri Barman:** May I know the amount of depreciation charges that are taken into account at least for the purpose of renewing the old buses that go out of use, so that there may not be difficulty in purchasing new buses?

**Shri Shahnawaz Khan:** The amount set apart on account of depreciation for the year 1952-53 was Rs. 8·42 lakhs and for 1953-54 Rs. 9·31 lakhs.

SUGAR-CANE BREEDING STATION, COIMBATORE

*340. **Shri Nanadas:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the acreage brought under cultivation so far of resistant varieties of sugar-cane evolved at the Sugar Cane Breeding Station at Coimbatore;

(b) the increase in yield per acre on account of the introduction of such varieties in sugar cultivation; and

(c) the total amount spent upto the 1st July, 1954 on the Sugar Cane Breeding Station at Coimbatore?

**The Minister of Commerce (Shri Karmarkar):** (a) The improved sugarcane varieties evolved at Coimbatore now occupy more than 90 per cent. of the total area under cane.

(b) About 4 tons per acre.

(c) The Coimbatore Institute was established in 1912 and information regarding total expenditure incurred since then is not readily available. During the current financial year an expenditure of Rs. 72,358/- was incurred upto 30th June, 1954 as against the budget grant of Rs. 6,50,200/- for the year.

**Shri Nanadas:** May I know how the resistant varieties of sugar-cane are being distributed to the agriculturists in the different regions of the country?

**Shri Karmarkar:** It does not arise out of the Coimbatore Institute. The hon. Member wants the prices of cane in different States, is that right?

**Shri Nanadas:** I want to know the procedure adopted by Government in distributing the seedlings to the agriculturists in different regions of the country.

**Shri Karmarkar:** I have got information about the Institute; I have no information about distribution of seed.

TINCTURES

*341. **Shri Dabhi:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that correspondence has been carried on between the Central and Bombay Governments regarding the enactment of a law regulating the export and import of different kinds of tinctures; and

(b) if so, what progress has been made in this direction?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) and (b). The Government of Bombay had proposed that the Central Government should promote legislation under Article 302 of the Constitution to control the import into or export from India as also the Inter-State import and export of spirituous medicinal and toilet preparations. The matter is still under consideration.

**Shri Dabhi:** May I know how long Government is likely to take to come to a decision, approximately?

**Rajkumari Amrit Kaur:** Well, the moment the Government of Bombay said they were experiencing difficulties we asked them to send us suggestions and frame a draft legislation. Then we sent this draft legislation to all the States. We had to await their replies. After their replies came, we communicated those replies to Bombay. The Bombay Government said "we would rather have Central legislation". Now all the Ministries concerned are considering the matter.

**Shri Bogawat:** Are Government aware of the extravagance of drinking tincture in Bombay?

**Rajkumari Amrit Kaur:** Naturally, when the Bombay Government has reprsented the matter to us we are aware of it.

USE OF TRACTORS

*342. **Shri S. C. Singhal:** Will the Minister of **Food and Agriculture** be pleased to state whether the use of the tractors in the country is increasing or decreasing?

**The Minister of Commerce (Shri Karmarkar):** The census taken in 1951 showed that 8,260 tractors were in use in the country. Since then no census has been undertaken but as tractors are being increasingly used for purposes other than cultivation, *e.g.*, earth moving, road making, haulage etc., the number of tractors in use in the country must have definitely gone up. The figures of import of tractors for the last 3 years are as follows:—

| Year | Number |
|---|---|
| 1951-52 | 7,148 |
| 1952-53 | 1,227 |
| 1953-54 | 3,195 |

**श्री एस० सी० सिंघल :** केन्द्रीय सरकार ने प्रदेश की सरकारों को ट्रैक्टर्स दे रक्खे थे । उन के आंकड़े दो साल पहले क्या थे और अब क्या हैं ?

**Shri Karmarkar:** I have no figures for the numbers with the State Governments separately.

**श्री एस० सी० सिंघल :** स्पेअर पार्ट्स बनाने के लिये कोई कारखाना है या नहीं ?

**Shri Karmarkar:** I should like to have notice about that question.

**सेठ गोविन्द दास :** क्या यह बात सत्य है कि जो ट्रैक्टर्स अभी चलाये जा रहे हैं वह अतिरिक्त हिस्से न मिलने के कारण बहुत बार बेकार हो जाते हैं, और आज कल भी बहुत जगहों पर इस तरह के ट्रैक्टर्स बेकार पड़े हुए हैं ?

**श्री करमरकर :** हम ने सुना है कि यह बात अंशतः सत्य है और इस के बारे में एक कमेटी बैठ रही है ।

**Shri Bhagwat Jha Azad:** May I know if it is under the contemplation of Government, for the greater use of these tractors, to lower the hiring charges for the tractors?

**Shri Karmarkar:** I have no present information on this point.

DOCK LABOURERS IN CALCUTTA

*343. **Dr. Ram Subhag Singh:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that the "go slow" tactics adopted by stevedoring labour in Calcutta have resulted in some ships, which were bound for that port, being diverted to other ports in the country;

(b) if so, how many ships have so far been diverted and to which ports; and

(c) what is the position of the "go slow" tactics now?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Not to Government's knowledge;

(b) Does not arise;

(c) Stevedore labour at Calcutta port is not following a "go slow" policy now.

**Dr. Ram Subhag Singh:** The hon. Minister said that the dock labourers in Calcutta port are not following "go slow" tactics now, whereas he said in reply to parts (a) and (b) that the Government is not aware of the fact. Then I do not know how he can account for this.

**Shri Alagesan:** To the question whether ships were diverted from the Calcutta port, I said "no". There were some "go slow" tactics, but they have given them up and the men resumed normal working.

**Dr. Ram Subhag Singh:** At which port were these tactics adopted by the labourers?

**Shri Alagesan:** At Calcutta.

**Dr. Ram Subhag Singh:** What percentage of the total dock labourers was involved in these tactics, and when were these "go slow" tactics adopted by them?

**Shri Alagesan:** It is not all the dock labourers that adopted this "go slow" method; it is only the stevedore labour. Then there was a meeting convened in the Ministry of Transport where the representatives of ship-owners and shipping companies, stevedore organisations and the labour unions were present, and an agreement was evolved whereby they agreed to give up this "go slow" method, and certain things also were agreed to be implemented.

**Dr. Ram Subhag Singh:** May I know the entire extent of the stevedore labour at that port, and on what basis these labourers were taken by the stevedores from that pool, whether, after the inauguration of the Dock Labour Board, was it not the understanding that the entire labour strength will go into a pool and stevedore labour will be appointed on the basis of seniority, on what basis these labourers were appointed, and what is their present...

**Mr. Speaker:** It is too long and too complicated a question. What is the date of this particular event?

**Shri Alagesan:** This started in April.

**Some hon. Members** *rose*—

**Mr. Speaker:** I think we better go to the next question rather than spend time on this one.

NATIONAL SAVINGS STAMPS

*345. **Sardar A. S. Saigal:** Will the Minister of **Communications** be pleased to state:

(a) what response Government have received in connection with the issue of the National Savings Stamps of different denominations;

(b) which of the States have taken these Stamps;

(c) what is the value of the stamps sold upto the 30th July, 1954; and

(d) whether these stamps will be exchangeable with the National Savings Certificates of equivalent value?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) National Savings Stamps are sold at the counters of Post Offices as postal stationery and no record of the sales is maintained in Post Offices.

(b) The stamps are stocked at all Post Offices in all the States.

(c) Does not arise in view of (a) above.

(d) Yes, for purchase of Certificates of Rs. 5/- and 10/- denominations by surrender of equivalent value of stamps.

**सरदार ए० एस० सहगल :** क्या मैं जान सकता हूं कि देहातों में नेशनल सेविंग्स स्टाम्प्स को प्रोत्साहित करने के लिए और उन्हें उसी कीमत में नेशनल सेविंग्स सर्टीफिकेट्स से बदलने के लिए क्या क्या कार्रवाई की गयी हैं ?

**श्री राज बहादुर :** पहले नेशनल सेविंग्स स्टाम्प केवल उन डाकखानों में मिलते थे जहां कि सेविंग्स बैंक का काम भी चलता था । अब देहातों में यह आसानी से मिल सकें इसलिये अब यह किया गया है कि हर एक डाकखाने में बिला लिहाज इसके कि वहां सेविंग्स बैंक का काम होता है या नहीं इन स्टाम्प्स के मिलने की सुविधा कर दी गयी है और साथ ही जो सर्टीफिकेट्स दिये जाते हैं, उनके मिलने की भी सुविधा है ।

**श्री भक्त दर्शन :** क्या मैं जान सकता हूं कि किस पोस्टल सर्किल में अब तक इस सम्बन्ध में सब से अधिक सफलता मिली है ?

**श्री राज बहादुर :** जैसा मैं ने बताया इनका कोई अलग हिसाब नहीं रखा जाता । कायदा यह है कि खजाने से हैड पोस्ट आफिसेज स्टाम्प्स खरीदते हैं, आन पेमेंट और फिर हैड आफिस सब आफिसेज और ब्रांच आफिसेज को देते हैं । इन डाकखानों में जैसे और स्टाम्प मिलते हैं वैसे ही ये स्टाम्प भी मिलते हैं ।

## दानेदार चीनी

*३४७. **श्री आर० एन० सिंह :** क्या **खाद्य तथा कृषि** मंत्री १० मई, १९५४ को पूछे गये तारांकित प्रश्न संख्या २३४१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) किन राज्यों में दानेदार चीनी कुटीर उद्योग के आधार पर तैयार की जा रही है; और

(ख) दानेदार चीनी के निर्माण में काम में लाई जाने वाली मशीन का मूल्य क्या है ?

**The Minister of Commerce (Shri Karmarker):** (a) Uttar Pradesh, Bihar and Hyderabad.

(b) The cost of crystallizer depends upon its working capacity. A crystallizer of a capacity of 60 maunds per day, costs about Rs. 500/-.

**श्री आर० एन० सिंह :** क्या मैं जान सकता हूं कि इस मशीन से गन्ने से चीनी बनाने में चीनी का कितना परसेंटेज आता है ।

**श्री करमरकर :** मुझे नोटिस चाहिए ।

**श्री आर० एन० सिंह :** मैं जानना चाहता हूं कि यह मशीन कहां पर मिल सकेगी ?

**श्री करमरकर :** आप ए० पी० गवर्नमेंट के पास तलाश कीजिये ।

**Mr. Speaker:** Next Question: Pandit D. N. Tiwary.

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**Pandit D. N. Tiwary:** 348.

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** Questions

348 and 358 are the same. May I answer them together?

**Mr. Speaker:** Question 358 is by Shri Bishwanath Roy. Yes.

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CRIMES ON RAILWAYS

*348. **Pandit D. N. Tiwary:** Will the Minister of **Railways** be pleased to state:

(a) whether an armed robbery was committed in a railway van of 312-Down (N. E. Railway) between Sarai and Bhagwanpur stations on the 5th June, 1954;

(b) whether any one was apprehended; and

(c) the loss caused to Government property?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) Yes.

(b) Yes.

(c) Out of 27 mail bags opened by the miscreants, one parcel containing a watch costing Rs. 35/- and another containing a Government currency note worth Rs. 5/- were stolen.

DACOITY ON N. E. RAILWAY

*358. **Shri Bishwa Nath Roy:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that armed men looted mail bags containing insured covers from the Lucknow Katihar passenger train of North Eastern Railway in the first week of June last; and

(b) if so, whether any R.M.S. employee was seriously injured by the armed robbers?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) Yes.

(b) The R.M.S. employee was stabbed by knife, admitted in the hospital on 5-6-1954 and discharged on recovery on 11-6-1954.

**Pandit D. N. Tiwary:** May I know whether any Railway Protection Force was running in that train?

**Shri Shahnawaz Khan:** At that time, there was no Railway protection Police in the train.

**Pandit D. N. Tiwary:** May I know whether in every passenger train, Railway Protection Police works or not?

**Shri Shahnawaz Khan:** No. We do not have that number of Railway Protection Police. Only very important passenger trains, mail trains and goods trains carrying important materials have Protection Police.

**Shri Bishwa Nath Roy:** May I know whether the Government have got any information to the effect that any political group was connected in any way with the robbery?

**Shri Shahnawaz Khan:** No such thing has come to the notice of the Government.

GROW MORE FOOD SCHEMES

*349. **Th. Lakshman Singh Charak:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) when Government propose to close the "Grow-More-Food Campaign" in the country and to stop further grants and aids to the States in view of the satisfactory position of the foodgrains;

(b) the money spent so far by the Central Government on this campaign upto August 1954; and

(c) how many States are at present self-sufficient in foodgrains and how many still need assistance?

**The Minister of Commerce (Shri Karmarkar):** (a) The Grow More Food schemes now form part of the Development Plans of different States under the First Five Year Plan. As such, the question of winding up the Grow More Food campaign does not arise

(b) The expenditure incurred by the Central Government from 1943-44

to 1952-53 inclusive, was about Rs. 54·34 crores. The figures of actual expenditure in the subsequent years are not yet available.

(c) 19 States are either self-sufficient or surplus in foodgrains; 9 other States, however, still need assistance.

**Th. Lakshman Singh Charak:** May I know the amount given to the Jammu and Kashmir Government in this period?

**Shri Karmarkar:** Speaking subject to correction, we are giving them Rs. 20 lakhs for two years. As I said, this is subject to correction.

**Th. Lakshman Singh Charak:** In answer to part (c) of the question, the hon. Minister said that some States are surplus and others are deficient. May I know to what extent they are surplus and to what extent they are deficient?

**Shri Karmarkar:** They are surplus to a little extent and among the deficit States, Bombay for instance, is deficit to a large extent and others to a small extent. Obviously, this is an unsatisfactory reply to the question, Sir.

**Shri T. N. Singh:** The hon. Minister has stated that the Grow More Food campaign has been merged into the development and other plans for community projects etc. May I know whether nothing is being done for Grow More Food work in areas other than the development blocks and community extension blocks?

**Shri Karmarkar:** I did not say development blocks and community extension areas. I mentioned that it is part of the Five Year Plan for the country as a whole. It is not kept separate as it was done before the Five Year Plan came into existence.

**Diwan Raghavendra Rao:** May I know if the Government have given any directive to the State Governments to use such grants in areas where there are no development blocks of the community projects?

**Shri Karmarkar:** So far as I can say offhand, there is no such restriction. These development projects are different and are based on their own merits. They are processed and sent to the Government of India and they are worked in areas for which the funds are intended.

**Shri Dabhi:** May I know the quantity of cereals produced during each of the years from 1949-50 up-to-date?

**Mr. Speaker:** Obviously, he wants notice, I believe.

**Shri Karmarkar:** Yes, Sir.

## श्रमजीवी पत्रकार

*३५०. **श्री एम० एल० द्विवेदी :** क्या श्रम मंत्री २९ अप्रैल, १९५४ को पूछे गये तारांकित प्रश्न संख्या २१४२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि औद्योगिक विवाद अधिनियम के अन्तर्गत आने वाले 'श्रमजीवियों' की श्रेणी में श्रमजीवी पत्रकारों को सम्मिलित करने की व्यवस्था करने वाले विधेयक के पुरःस्थापन के सम्बन्ध में अभी तक क्या प्रगति हुई है ?

**The Deputy Minister of Labour (Shri Abid Ali):** The matter is still under the consideration of Government.

**श्री एम० एल० द्विवेदी :** मैं यह जानना चाहता हूं कि कलकत्ते के जो नव भारत और दूसरे अखबार बन्द हो गये थे और उसमें कुछ पत्रकार संजीवी काम से अलग हो गये थे, जिनको सहायता देने का सरकार ने वायदा किया था, उनको इस सम्बन्ध में क्या सहायता दी गयी है ?

**श्री आबिद अली :** इस सवाल का उस सवाल से कोई सम्बन्ध नहीं है जो कि मेम्बर साहब ने पूछा है । अगर वह दूसरा सवाल पेश करेंगे तो मैं उसका जवाब दूंगा ।

**Shri Sadhan Gupta:** May I know how long this matter will remain

under consideration and whether Government have any policy of speeding up consideration?

**Shri Abid Ali:** Yes; Government have a policy of speeding up consideration.

**श्री एम० एल० द्विवेदी :** मैं यह जानना चाहता था कि क्या प्रेस कमीशन की रिपोर्ट पर विचार करने के बाद ही इस सम्बन्ध में बिल बनाया जायगा, और यदि हां, तो इस पर विचार हो जाने की कब तक आशा की जाती है ?

**श्री आबिद अली :** खास तौर से तो वर्कमैन की डंफीनीशन का सवाल है । जब हम दूसरा अमेंडिंग बिल लायेंगे तो उसमें वर्कमैन की डंफीनीशन बदलने का ख्याल तो है ही ।

TRAINING INSTITUTES AND CENTRES

*352. **Shri K. C. Sodhia:** Will the Minister of **Labour** be pleased to state:

(a) what was the total enrolment in the training institutes and centres functioning under the Ministry of Labour during 1953;

(b) what percentage, if any, of the trainees consisted of students from the general public;

(c) whether Government propose to throw open these institutions to the general public and convert them into Technical Schools; and

(d) if not, what are the difficulties in the way of Government?

**The Deputy Minister for Labour (Shri Abid Ali):** (a) 9,582.

(b) The trainees are all recruited from adult civilians among the general public.

(c) The Institutions are already open to the general public. Government do not propose to convert them into Technical Schools.

(d) Training of the kind contemplated can be given satisfactorily only in the Training Institutes and Centres and not in Technical Schools.

**Shri K. C. Sodhia:** What was the total number of centres during 1953-54?

**Shri Abid Ali:** About 56.

**Shri K. C. Sodhia:** What was the total cost incurred thereon?

**Shri Abid Ali:** About Rs. 60 lakhs.

**दिल्ली के स्थानीय निकाय**

*३५३. **श्री नवल प्रभाकर :** क्या [स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) क्या यह सच है कि नई दिल्ली की नगरपालिका और इम्प्रूवमेंट ट्रस्ट के शासन सम्बन्धी समस्त अधिकार केन्द्रीय सरकार ने दिल्ली राज्य सरकार से ले लिये हैं और यह कि भविष्य में इन स्थानीय निकायों पर दिल्ली राज्य सरकार का कोई प्रशासनिक अधिकार नहीं रहेगा; और

(ख) यदि हां, तो इसके क्या कारण हैं ?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) No.

(b) Does not arise.

DARBHANGA DAKOTA ACCIDENT

*355. **Shri Bhagwat Jha Azad:** Will the Minister of **Communications** be pleased to state:

(a) whether the report of the Inquiry held into the Darbhanga Aviation Dakota crash on the south fringe of Dum Dum Airport on the 30th April, 1954 has been submitted; and

(b) if so, the causes of the crash?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) I lay on the Table, a copy of the Report of the Court of Enquiry on the accident to Dharbanga Aviation Dakota on the 30th April 1954 near Dum Dum airport [Placed in the Library. *See* No. S-275/54.]

(b) According to the Court, the probable cause of the accident was:—

(a) Delay in feathering after failure of the port engine (due to inexperience of the pilot in emergency procedures), which resulted in loss of height,

(b) the subsequent attempt to establish a climb with a nose high attitude (to get over the obstructions) below the recommended single-engine rate of climb speed, with both gear and flaps up, and

(c) the progressive loss of air speed which finally resulted in a stall on a cocoanut tree.

**Shri Bhagwat Jha Azad:** From the book made available to us I find that the Court has made the observation that it is a very sad plight and horrible conditions are prevailing in the non-scheduled airlines. What are the factors that have prevailed upon the Government not to nationalise these non-scheduled airlines as well?

**Shri Raj Bahadur:** Which of the observations is the hon. Member referring to?

**Shri Bhagwat Jha Azad:** I refer to page 13, paragraph 18 of the report in which the court observes that cockpit check-lists, emergency lists, nothing was available on the plane, that the traffic personnel manager had no knowledge of loading and unloading and such other things.

**Shri Raj Bahadur:** It is a sort of general observation in which the court has only said that they should be readily made available, and should be properly used, and that proper use should be ensured.

**Shri Bhagwat Jha Azad** *rose—*

**Mr. Speaker:** Order, order. The point of enquiry seems to be whether any improvement in those conditions has taken place since nationalisation. That seems to be the point of enquiry.

**Shri Raj Bahadur:** As a matter of fact, the Court has divided its Report into various sections. The most relevant Sections are the findings, the recommendations and the observations. This is not one of the findings that these papers were not available. So, the question of improvement does not arise.

**The Minister of Communications (Shri Jagjivan Ram):** May I add that we are exercising a stricter control over the non-scheduled operators as regards the maintenance of their aircraft and other conditions of licence?

**Shri Bhagwat Jha Azad:** Though the answer is not clear to me, yet may I know whether the recommendations made by this Court have yet been implemented, and what are the conditions that have been imposed over these non-scheduled airlines to prevent such accidents causing the death of persons?

**Shri Jagjivan Ram:** New conditions are not to be imposed. The conditions of the issue of licence for non-scheduled operations take care of all these things—that they will have to maintain a reasonable arrangement of engineering workshops, they will have to observe all conditions regarding the load they are carrying, and they will have to engage expert staff qualified and licensed by the Director-General, Civil Aviation.

**Shri Bhagwat Jha Azad:** Is it not a fact that these non-scheduled air services are, after nationalisation, threatening to reterench their employees and some good officers who are experts in these things have been retrenched? What is the position of the Government in this regard?

**Shri Raj Bahadur:** So far as non-scheduled operators are concerned, they employ their staff in accordance with their requirements. Even so whenever any emloyees of such companies have approached us, we have always tried our level best to help them and have always tried to see that the non-scheduled operators also run successfully.

**Shri Bhagwat Jha Azad:** That is not my question.

**Mr. Speaker:** Next question. Mr. Gurupadaswamy.

RAILWAY OFFICERS

*356. **Shri M. S. Gurupadaswamy:** Will the Minister of **Railways** be pleased to state:

(a) whether any decision has been taken to remove the distinction between Class I and Class II Officers in the various Railways; and

(b) whether it is a fact that the posts to which the two categories of services were appointed are identical in responsibilities and tenable by Class I and Class II officers alike?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) and (b). Class I Officers while working in the junior scale and Class II Officers are both appointed to posts of Assistant Officers though they constitute distinct categories. But certain requests put forward by Class II Officers have been met.

**Shri M. S. Gurupadaswamy:** What is the number of Class II Officers?

**Shri Alagesan:** I am unable to give the exact number. It may be between 500 and 600.

**Shri M. S. Gurupadaswamy:** What are the reasons why this distinction has been made and perpetuated?

**Shri Alagesan:** The distinction has been there and it is kept on. On various occasions the question whether it is desirable to abolish the Class II services was considered, but then, after careful examination, it has been decided to retain the Class II services and also have direct recruitment to Class I services, so that the higher administrative posts may be manned by men when they are not too old.

**Shri M. S. Gurupadasway:** Can we know whether Government will decide to abolish this distinction between Class II and Class I Officers in the immediate future? May we know the possible time by which it will be abolished?

**Shri Alagesan:** On the other hand, I said we propose to retain Class II services and also retain direct recruitment to Class I services.

**सरदार ए० एस० सहगल :** क्या मंत्री जी यह बतलायेंगे कि क्या यह सच है कि कुंजरू कमेटी तथा एंग्लिश कमेटी ने अपनी अपनी रिपोर्ट में यह बताया है कि क्लास एक और क्लास दो के बीच में जो विभिन्नता है और उस विभिन्नता के कारण जो मनमुटाव हो रहा है उसे दूर करने के लिये कौन सी कार्यवाई की जा रही है ?

**Shri Alagesan:** As I said. we have had the demands and requests of the Class II Officers considered and the following steps have been taken:

The quota for permanent promotion of Class II Officers to Class I service has been increased from 25 to 33 1/3 per cent. with effect from 1st April, 1954.

Class II Officers who have been officiating in the senior scales for more than three years are so retained in an officiating capacity without having to revert to Class II.

Class II Officers over 50 years of age who were not previously eligible for permanent promotion from Class II to Class I are now eligible for such promotion, and so on.

**Sardar A. S. Saigal:** One question more, Sir.

**Mr. Speaker:** I am going to the next question.

POLLUTION OF SEA

*359. **Shri Raghunath Singh:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that India was represented at the International Conference on the Pollution of the Sea by Oil held in London in May 1954; and

(b) if so, the decision taken at the Conference?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Yes.

(b) A statement giving the information required is placed on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 25.]

**Shri Raghunath Singh:** May I know whether the Government is going to implement the suggestion of the conference?

**Shri Alagesan:** The question whether we should ratify this convention is now under examination.

**Shri Joachim Alva:** It was agreed at the conference that certain zones should be marked out where pollution by crude oil, diesel oil and other kinds of oil which affect harbours and ports should be prevented. Is Bombay one of those areas where the pollution will be prevented? Was it represented at the conference in view of the refineries?

**Shri Alagesan:** I understand as far as India is concerned, the menace of this oil pollution of sea water is not much and we need not be afraid about it.

FAIR PRICE SHOPS

*360. **Shri Achuthan:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the directions, if any, that were given to the State Governments, specially the Travancore-Cochin State, after the 10th July, 1954 with regard to the continuance of Fair Price Shops and subsidised prices of cereals; and

(b) how the price trends in relation to the Fair Price Shop prices have been after the 10th July, 1954?

**The Minister of Commerce (Shri Karmarkar):** (a) The Government of India have advised the deficit States including Travancore-Cochin that the distribution of rice from Government shops should be continued at the pre-decontrolled issue prices until open market prices go below the present Government issue rates resulting in cessation of offtake of rice from Government shops.

(b) Reports received so far from Travancore-Cochin indicate a downward trend of prices in that State after decontrol, and in some parts of the State the average prices have even gone below the issue rates from Fair Price shops.

Prices in other deficit States also have shown a downward trend and in a large number of centres in Bihar, Bombay, Madras, and West Bengal the prices were lower than the Government issue rates from fair price shops. Even in those centres where the open market prices were still higher than the Government issue rates, the difference has been narrowing down. In the flood affected areas of Bihar, Assam and West Bengal, however, there has been some rise in prices in recent weeks but even then they are still lower than the prices in January, 1954.

**Shri Achuthan:** May I know the percentage of reduction in the offtake of rice after 10th July, 1954, as far as Travancore-Cochin is concerned?

**Shri Karmarkar:** The volume of reduction?

**Mr. Speaker:** The increase or reduction.

**Shri Achuthan:** The percentage reduction of the offtake of rice from the fair price shops.

**Shri Karmarkar:** I have no figures for the offtake of rice from the fair price shops, but it is presumed that the open market prices there are lower.

**Shri Achuthan:** Offtake of rice, and not price.

**Mr. Speaker:** He has just answered that. Let there be no confusion.

**Shri Achuthan:** May I know whether any proposals have been sent by the Travancore-Cochin Government, after 10th July 1954, with regard to

the maintenance of these fair price shops, and also about their food policy?

**Shri Karmarkar:** I have no information about any communication from the Travancore-Cochin Government in this matter.

**Shri Bhagwat Jha Azad:** In the course of the reply, the hon. Minister stated that the open market price is still higher than the issue price from the fair price shops, in Bihar, Assam and in some flood-affected areas, since January 1954. May I know whether Government are aware that the open market price in the flood-affected areas in North Bihar and drought affected South Bihar is higher now? Do Government propose to open such fair price shops, for giving facilities to the persons in these flood-affected areas?

**Shri Karmarkar:** The information that I have is this. I should like to read out the last sentence of my reply read earlier:

> "In the flood-affected areas of Bihar, Assam and West Bengal, however, there has been some rise in prices in recent weeks, but even then they are still lower than the prices in January 1954."

**Shri Bhagwat Jha Azad:** Not now. Now, the price is higher.

RE-EMPLOYMENT OF RATIONING DEPARTMENT EMPLOYEES

***363. Shri Buchhikotaiah:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that a directive has been issued for giving first preference to the retrenched personnel of the late Rationing Department for recruitment in the Railway Services ; and

(b) if so, how many such persons have been given jobs in the Railways so far?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Instructions were issued to the Railway Administrations and Railway Service Commissions, to allow the retrenched personnel of the Civil Supplies/Food Department of the various State Governments to apply for clerical and other non-technical posts on the Indian Railways advertised by the Railway Service Commissions, waiving the age limit (upto a maximum of 40 years) to the extent of service put in by such staff under the State Government.

(b) 70, so far.

**Shri Buchhikotaiah:** May I know the total number of persons retrenched?

**Shri Alagesan:** That is for the State Governments. They should have these figures.

**Mr. Speaker:** The hon. Minister has not got the figures.

**Shri Raghavaiah:** May I know whether any examination will be held by the Railway Service Commissions, before they are employed?

**Shri Alagesan:** They will have to apply and then get selected in the usual course.

**Shri Raghavaiah:** If it is the policy of the Government of India to somehow see that these Rationing Department employees are absorbed in the Railway Department, may I know why an examination becomes necessary?

**Shri Alagesan:** All these were temporary personnel, and when they are absorbed on a permanent basis, certainly, an examination and selection must take place.

FIRE ALARM SYSTEM IN AIRCRAFTS

***364. Shri Bogawat:** Will the Minister of **Communications** be pleased to state:

(a) whether there is any plan to improve the fire-alarm system in the Indian aircrafts;

(b) if so, the nature of the plan;

(c) when it would be implemented; and

(d) whether such a fire-detector has been installed in any aeroplane so far?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) to (d). I lay on the Table, a statement giving the required information. [*See* Appendix III, annexure No. 26.]

**Shri Bogawat:** May I know in what way the fire alarms are made effective?

**Shri Raj Bahadur:** An effective fire alarm would be one which does not give a false alarm.

### मैंगनीज़ की खानों का बन्द होना

*३६५. **श्री पी० सी० बोस :** क्या श्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हाल ही में मैंगनीज़ और लोहे की कई खानें बन्द हो गई हैं; और

(ख) क्या जो मज़दूर बेकार हो गये हैं, उनको वैकल्पिक नौकरी देने की कोई योजना सरकार के पास है ?

**The Deputy Minister for Labour (Shri Abid Ali):** (a) Yes; 150 manganese mines and 16 iron mines have been closed in 1954. During the same period, however, 78 manganese mines have been newly opened or reopened.

(b) No special scheme has been instituted by the Central Government for providing alternate employment to the retrenched workers. Government have, however, taken steps to give relief to the manganese industry by lifting the export duty on manganese ore. It is hoped that more mines will be reopened in the near future and the persons now thrown out of employment will be gradually reabsorbed.

**Shri P. C. Bose:** What was the cause of the closing down of these manganese mines?

**Shri Abid Ali:** No demand for ore in the foreign markets.

**Shri Nanadas:** May I know whether Government have any proposal to organise co-operative societies for these mine workers, and run these mines with the help of those societies?

**Shri Abid Ali:** No.

**Dr. Rama Rao:** In view of this huge unemployment due to the closing down of these mines, do Government propose to find out new markets for our manganese ore?

**Shri Abid Ali:** That is a question to be addressed to the Minister of Commerce and Industry.

**Shri V. P. Nayar:** May I know whether it is a fact that the shipping freight charged on the manganese exported from India is at present exorbitant, and that it is one of the reasons for the lack of demand from the overseas markets?

**Shri Abid Ali:** The reply is the same as what I gave to the previous supplementary question.

### Ernakulam-Quilon Railway Line

*366. **Shri C. R. Iyyunni:** Will the Minister of **Railways** be pleased to state:

(a) the extent to which the construction work of the railway line between Ernakulam-south and Quilon in Travancore-Cochin State has progressed; and

(b) when the completed portion of the line will be opened for traffic?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) and (b). A statement showing particulars of progress and the anticipated dates of opening of different sections

of the line is laid on the Table of the House. [*See* Appendix III, annexure No. 27.]

**Shri C. R. Iyyunni:** In the statement, I find that:

> "Section III from Ernakulam to Kottayam can be opened for traffic in the latter part of 1955, subject to receipt of rails, fittings and the steel work for the girders."

May I know from where these rails, fittings and the steel work for the girders are to be obtained?

**Shri Alagesan:** Maybe abroad, and also from indigenous sources.

**Shri C. R. Iyyunni:** May I know whether the line is going to be electrified or run on coal?

**Shri Alagesan:** There was a previous question on the same subject, when I had to reply that at present we have decided to run it only by steam traction.

**Shri C. R. Iyyunni:** May I know what exactly is the price of coal at this time? Is it not rather very expensive?

**Shri Alagesan:** I think the same question also was put the other day.

**Shri A. M. Thomas:** In reply to a memorandum in connection with the Demands for Grants, the reply laid on the Table of the House indicated that the line between Ernakulam and Kottayam will be opened to traffic in October 1955. But now no definite time-schedule is stated, and moreover, it is also stated that this will be opened subject to the availability of rails, fittings and steel work for girders. May I enquire whether Government intend to stick to the time-table as laid on the Table of the House, and also whether these rails, fittings and girders have not been ordered sufficiently in advance?

**Shri Alagesan:** All these things are being done. The whole thing is planned, and we try to finish the work by the target date, but it is not always possible to stick to these target dates, for if anything goes wrong, certainly, it gets delayed. I think it is easily understandable.

### Leasing of Railway Lands

***369. Dr. Rama Rao:** Will the Minister of **Railways** be pleased to state:

(a) the total area of Railway land leased out in 1953-54 and 1954-55 for cultivation;

(b) the procedure followed for the same;

(c) whether Government have received any representations from the Agricultural Field Labour Co-operative Societies to lease out Railway lands for cultivation on moderate rental instead of auctioning the same; and

(d) the action taken by Government thereon?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) 3,708 acres in 1953-54 and approximately an area of 2,600 acres is expected to be leased out in 1954-55.

(b) The present procedure is that all surplus railway lands are entrusted to the State Governments for leasing out to cultivators, and the selection of individuals rests entirely with them.

(c) and (d). There is only one case on the Central Railway where the Railway Administration received a request from the Mangaoli Co-operative Farming Society Ltd. This request could not be accommodated.

**Dr. Rama Rao:** May I know whether Government have any intention to give directions to the State Government, to give preference to the field labour farming society, as against this auction?

**Shri Shahnawaz Khan:** The Railway Ministry have no intention of issuing any instructions to the State Governments. It is left entirely to their own discretion.

**Dr. Rama Rao:** Am I to presume from the reply of the hon. Parliamentary Secretary, that the State

Governments are free to give these lands at a lower rate to the field labour co-operative societies, without trying to obtain the maximum rent by auction? Are the State Governments free to do that?

**Shri Shahnawaz Khan:** The State Governments have the absolute discretion in the matter.

**Shri Veeraswamy:** May I know the extent of land so far leased out on the Southern Railway, and the extent of land available for leasing out?

**Shri Shahnawaz Khan:** I would require notice for that particular question.

INTERNATIONAL CONFERENCE OF OFFICIAL TRAVEL ORGANISATIONS

*370. **Shri D. C. Sharma:** Will the Minister of **Transport** be pleased to refer to the reply given to starred question No. 1326 asked on the 26th March, 1954 and state what decisions have been taken on the Report submitted by the Indian Representative at the Eighth General International Conference and General Assembly of the official Travel Organisations held at Lisbon in October, 1953?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** A brief statement showing the salient points and action taken on the report of the Indian Delegate on the Eighth General International Conference and General Assembly of the International Union of Official Travel Organisations held in Lisbon in October 1953, is placed on the table of the Lok Sabha. [*See* Appendix III, annexure No. 28.]

**Shri D. C. Sharma:** May I know what measures the Government of India are taking in order to simplify travel formalities. This is with reference to para. 10 of the statement.

**Shri Alagesan:** This question is constantly engaging our attention and in consultation with the Ministry of Finance, we are trying to make the procedure as less irksome as possible.

**Shri D. C. Sharma:** I have gone through the statement. It consists of 17 paragraphs. Against most of the paragraphs, they say 'No action is necessary'. About a few paragraphs, it is written that action is being taken. There is only one item about which action has been taken. The Conference suggested to the member-countries to purchase copies of this publication and the action taken is: 'The Government of India has purchased one copy of this booklet'. Is that the normal pattern of the replies which the Government of India officers write?

**Shri Alagesan:** It is easy to make fun. These conferences are not intended to take any big action on any of the resolutions passed. But they are generally intended for promoting international contacts and seeing that more tourists come to these countries. They are not so much business conferences.

KHADI-UNIFORM

*371. **Shri Dabhi:** Will the Minister of **Communications** be pleased to refer to the reply given to Starred Question No. 537 asked on the 1st March, 1954 regarding supply of Khadi uniforms to P. and T. employees and state:

(a) whether the Sub-Committee appointed by the Ministry of Works, Housing and Supply has submitted its report to Government;

(b) if so, what recommendations has the Sub-Committee made regarding the purchase of Khadi for the staff of the P. & T. Department; and

(c) whether these recommendations have been accepted by Government?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) to (c). The final report has not yet been submitted by the Committee. The last and final meeting of the Committee was scheduled to be held on 30th August, and the final recommendations are expected to be submitted shortly thereafter.

**Shri Dabhi:** May I know whether orders for supply of Khadi uniforms for P. & T. employees have been placed?

**Shri Raj Bahadur:** Orders have been placed.

**Shri Dhabi:** To what extent?

**Shri Raj Bahadur:** It is not possible to say to what extent. That will depend on requirements, but it may be in the neighbourhood of five to seven lakhs of yards.

LAND CENSUSES

*372. **Dr. Ram Subhag Singh:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) how many of the State Governments have so far agreed to hold land censuses as suggested by the Central Government;

(b) whether any of the State Governments has disagreed with that suggestion and if so, for what reasons; and

(c) whether land census work has now commenced in any State?

**The Minister of Commerce (Shri Karmarkar):** (a) and (b). Nearly all States have agreed in principle to conduct the Census of Land Holdings and Cultivation. Some of the State Governments have, however, raised certain points for clarification; whereas the Government of Travancore-Cochin are of the view that the holding of census of land holdings and cultivation in that State is not very essential. The Government of India are in correspondence with these States.

(c) The preliminary work of the Census has already started in Andhra, Bombay, Madhya Pradesh, Madras, Hyderabad, Mysore, Pepsu, Bhopal and Kutch.

**Dr. Ram Subhag Singh:** May I know the names of the State Governments other than that of Travancore-Cochin which have asked for clarification, and what are the points on which they have asked for clarification?

**Shri Karmarkar:** The States—ten in number—which are agreeable to conduct the census on certain conditions or which have not sent any categorical reply are Delhi, Bihar, Rajasthan, Manipur, Tripura, Ajmer, West Bengal, Uttar Pradesh, Assam and Punjab.

**Dr. Ram Subhag Singh:** It has recently appeared that a few of these Governments have fixed ceilings on land. May I know on what basis they fixed ceilings on land, and whether the Planning Commission or the Ministry of Agriculture were approached by those Governments before they did so?

**Shri Karmarkar:** Census is different from fixing land ceilings. I have no information about the ceilings fixed.

**Shri A. M. Thomas:** May I enquire whether a number of land Bills, as drafted by the Travancore-Cochin Government, were placed for consideration of the Centre, and if so, whether the Centre has given any approval to these Bills and any condition has been prescribed with regard to holding of a census when approval was given?

**Shri Karmarkar:** We are diverting to another question, about land reform and ceilings on land. In fairness, I should have notice of that question.

**Shri Nanadas:** May I know whether any time-schedule has been fixed before which this work has to be finished?

**Shri Karmarkar:** No time-limit has been fixed, but it is expected that it will be completed in a short time. So far as the States where operations have started, like Andhra, Bombay etc. are concerned, the work is supposed to be completed between December 1954 and April 1955. That is the period indicated by them.

PURCHASE OF RICE IN PUNJAB

*374. **Pandit D. N. Tiwary:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that about 1,25,000 tons of rice was purchased last

year for the Government of India at the instance of the Punjab Government by the rice traders of the Punjab;

(b) whether a portion of the rice purchased was not taken delivery of by the Central Government; and

(c) if the answer to part (b) above be in the affirmative, the quantity of rice lying with the traders?

**The Minister of Commerce (Shri Karmarkar)**: (a) to (c). The correct position is that the Punjab Government, under their Monopoly Procurement Scheme, have during the present Kharif year procured by purchase through their agents 1,14,000 tons of rice, out of which coarse varieties are about 40,000 tons. This procurement was meant both for export to other States and for internal consumption. After deducting 80,000 tons which has been exported to other States and some other quantities retained by the Punjab Government, there is only a quantity of 7,600 tons which the Central Government has agreed to take over for its Central Reserve. This is the quantity with the Trade in Punjab, which the Centre has still to take over, but the Government of India has already made payment for 5,200 tons and arrangements are being made for payment of the balance of 2,400 tons.

**Pandit D. N. Tiwary**: Was there any dispute about the rate of commission?

**Shri Karmarkar**: I should like to have notice.

**Pandit D. N. Tiwary**: Is it a fact that there was a dispute about taking over all the stocks or part of the stocks?

**Shri Karmarkar**: I am not aware of any dispute about this.

GROW MORE FOOD SCHEMES

*376. **Shri Nageshwar Prasad Sinha**: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government have decided to give assistance to the State of Jammu and Kashmir for "Grow More Food" Schemes; and

(b) what amount is proposed to be given annually and from when?

**The Minister of Commerce (Shri Karmarkar)**: (a) Yes.

(b) The amount allocated for the 2 years 1954-55 and 1955-56 is Rs. 20 lakhs but sanctions are issued only on the basis of specific schemes found acceptable under the G.M.F. Rules.

**Shri Nageshwar Prasad Sinha**: Is the State self-sufficient in food?

**Shri Karmarkar**: So far as I could say off-hand, it is not self-sufficient; but I should like to have notice.

**Shri Nageshwar Prasad Sinha**: What were the data which led the Government to conclude that only this amount is necessary as aid?

**Shri Karmarkar**: The State put up its proposals. We considered the proposals and as a result of our consideration, this amount of Rs. 20 lakhs has been thought as a reasonable aid to be given to that State.

PARCELS MISSING FROM RAILWAYS

*377. **Shri Radha Raman**: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the number of missing parcels from the various Railways is on the increase;

(b) if so, the total number of such cases reported to the railway authorities during February to July 1954; and

(c) the steps taken to prevent such cases?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan)**: (a) There is a slight increase on the Eastern and Western Railways but a decrease on the other four Railways.

(b) Figures for the period mentioned are not readily available, but the

number of such cases reported during the half year ended 30-6-1954 was 19,232.

(c) A statement showing some of the more important steps taken to prevent such losses is placed on the Table of the House. [*See* Appendix III, annexure No. 29]

**Shri Radha Raman:** In the statement the hon. Parliamentary Secretary has mentioned the steps that are being taken. May I know whether there was any reduction in the number of such cases during the first half of the current year?

**The Minister of Railways and Transport (Shri L. B. Shastri):** Figures are not available but the reports that I have received go to show that there has been some decrease.

**Shri Radha Raman:** May I know in how many cases the owners claimed compensation for these missing parcels, and what is the total amount involved?

**Shri Shahnawaz Khan:** Every case is scrutinised on its own merits. I do not have figures with me just now. If the hon. Member would give notice, I can give the facts.

**Shri Radha Raman:** May I know if out of these missing parcels, some were subsequently found?

**Shri Shahnawaz Khan:** A very thorough search is carried out and some of them are sometimes found.

**बम्बई पत्तन पर "काम धीरे करो" आन्दोलन**

*३७८. **श्री नवल प्रभाकर :** क्या श्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बम्बई पत्तन पर जहाज का माल उतारने और चढ़ाने वाले ३००० मजदूरों ने एक "काम धीरे करो" आन्दोलन आरम्भ किया था ;

(ख) यदि हां, तो यह आन्दोलन कितने दिनों तक जारी रहा; और

(ग) इस आन्दोलन से कितनी अनुमानित हानि हुई ?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) Yes.

(b) Five.

(c) It is difficult to estimate the loss. Depending upon the type of cargo handled, the loss in efficiency is estimated at 50 to 70 per cent.

**श्री नवल प्रभाकर :** क्या मैं जान सकता हूं कि यह समझौता फिर किस तरह से हुआ ?

**श्री आबिद अली :** समझौता तो नहीं हो सका क्योंकि दोनों पार्टीज ने हमारे लेबर आफिसर्स की सलाह नहीं मानी । इसलिए हमने एडजुडीकेशन दे दिया है ।

**Dr. Rama Rao:** May I put a question?

**Mr. Speaker:** The Question Hour is over.

**Dr. N. B. Khare:** Sir, what about my adjournment motion regarding**.

**Mr. Speaker:** The hon. Member had already been intimated by me that I have refused my consent; but, I am going to refer to that adjournment motion in due course.

**Dr. N. B. Khare:** Thank you.

**Mr. Speaker:** I do not propose to give undue publicity to the hon. Member.

**Short Notice Question and Answer**

BREACHES IN NORTH EASTERN RAILWAY

**S.N.Q 6. Shri K. P. Tripathi:** Will the **Minister of Railways** be pleased to state:

(a) whether it is a fact that owing to breaches on the North Eastern Railway in North Bengal hundreds of passengers are lying marooned in those areas;

(b) if so, the number of persons involved; and

**Expunged as ordered by the Chair.

(c) whether any steps have been taken or are proposed to be taken to airlift them to neighbouring airfields from where they can resume their journey?

**The Deputy Minister of Railways and Transport (Shri Alagesan)** (a) and (b). Fifty-five passengers, including 3 children, were reported to be in the No. 303 UP Link Express at Carron station between Nagrakota and Chenjmari, where it has been marooned since the 23rd August. They are being looked after as best as possible and are on the whole reported to be satisfied with the arrangements made for them under the prevalent conditions

(c) It was not feasible due to breaches in the roads leading to the nearest air field on either side *viz.* at Bagarakote on the Manihari side and at Hasimara on Pandu side.

On 30-8-54 they were however, taken to Hasimara by motor trucks, the journey over an improvised short bridge being on foot. Hasimara was the destination of all except six railway employees who are now waiting there for onward journey.

**Shri K. P. Tripathi:** I have received telegrams telling me that there are other stations in which also passengers are marooned. If so, may I know whether any arrangement has been made to transport them too?

**Shri Alagesan:** Our General Manager who flew to those areas gave us information that on the Siliguri side also there are about 200 to 250 passengers and they are being looked after well.

**Shri K. P. Tripathi:** May I know whether it is a fact that rail road and steamer communications have completely broken down in Assam resulting in the accumulation of a large number of commodities in Gauhati, particularly from the hill areas? If so, may I know whether any attempt is being made to airlift them inside or outside Assam?

**Shri Alagesan:** I do not know what arrangements are made to airlift them. So far as railway transport is concerned, there are serious gaps in the Assam region and it will take some time for us to close those gaps and start traffic.

**Shri K. P. Tripathi:** I was saying not only about railway. The road and steamer arrangements have also broken down. Steamers which used to come within 15 days take some two months so that these commodities are rotting. In these circumstances, I ask whether airlift is being undertaken or proposed to be undertaken and, if so, any subsidy is intended to be given.

**The Minister of Railways and Transport (Shri L. B. Shastri):** That suggestion was given to me by the hon. Member only day before yesterday. I have asked the Railway Board to communicate with the North Eastern Railway and find out if it was necessary to airlift the potatoes or other things which are lying in Gauhati.

**Dr. Ram Subhag Singh:** May I know the number of places at which railway tracks have been breached and lines washed and when through-train service will be resumed?

**Shri Alagesan:** It is too early to give the information when all these gaps will be filled and when we will be able to resume through-services. They are doing their best to do it as quickly as possible.

**Dr. Ram Subhag Singh:** May I know whether any enquiry has been made by the General Manager of the Railway concerned about the extent of damage done to railway property because of these floods?

**Shri Alagesan:** It is too early and it will be impeding the restoration work which he is doing now.

## WRITTEN ANSWERS TO QUESTIONS

### MOVEMENT OF BABOOL BARK

*334. { **Shri A. K. Gopalan:** / **Shri Punnoose:**

Will the Minister of **Railways** be pleased to state:

(a) whether any representation has been received by the Government of India regarding the difficulties in the movement of Babool Bark from Stations between Chowka Ghat and Gonda Railway Stations on the North Eastern Railway;

(b) whether it is a fact that complaints were made about corruption of the officials concerned; and

(c) if so, what action has been taken by Government in the matter?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) and (b). **Yes.**

(c) The representation was brought to the notice of the General Manager, North Eastern Railway who has reported that movement of Babool Bark has been arranged speedily and that on 17-7-1954 there were only 3 outstanding registrations for 3 wagon loads on the Gonda District.

As regards the alleged corruption, no useful enquiries could be made as the Veopar Mandal were unable to cite specific cases of corruption.

### NEW SUGAR FACTORIES

*337. { **Shri S. N. Das:** / **Shri Tulsidas:**

Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that Government have invited applications for licences for establishing new sugar factories under the Industries (Development and Regulation) Act, 1951;

(b) if so, the number of applications received so far and the number of cases in which licences have already been granted; and

(c) the number and names of places where such factories are proposed to be established?

**The Minister of Commerce (Shri Karmarkar):** (a) Yes Sir.

(b) 34 applications have been received. A licence for setting up one new sugar factory has already been granted and licences for two others are under issue.

(c) A statement giving the required information is laid on the Table of the House. [*See* Appendix III, annexure No. 30.]

### PATNAI RICE

*344. **Shri K. P. Sinha:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the results of Government's inquiries for seeking markets in European countries for Patnai rice;

(b) what amount of Patnai rice will be available for export; and

(c) whether the quality of Burma rice is better than the Patnai rice?

**The Minister of Commerce (Shri Karmarkar):** (a) Enquiries reveal that Patnai raw super of West Bengal is in great demand in United Kingdom and European Countries.

(b) Government have no stocks of Patnai raw super rice at present, but it is believed that quite substantial quantity of this variety of rice is available with the trade.

(c) No Sir, Patnai raw rice is much superior to the Burma SMS rice.

### QUARANTINE

*346. **Shri Krishnacharya Joshi:** Will the Minister of **Health** be pleased to state:

(a) the number of persons coming from foreign countries who were detained due to quarantine in India during the years 1953 and 1954; and

(b) what are the main diseases for which they were detained?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) 79 persons upto the end of June, 1954.

(b) They were not detained because they were suffering from any disease but because they were not in possession of valid certificates of vaccination against yellow fever.

PREVENTIVE TREATMENT

***351. Shri Bibhuti Mishra:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that the Government have given suggestions to the State Governments for paying greater attention to the preventive side of medical treatment;

(b) if so, whether any effective and constructive scheme has been formulated by the Government to this effect; and

(c) the main features of the scheme?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) yes;

(b) The important schemes in which particular stress has been laid on the preventive side of medical treatment are as follows:—

(i) Establishment of Maternity and Child Welfare Centres in backward areas in the various states.

(ii) B.C.G. vaccination programme.

(iii) National Malaria Control Scheme.

(iv) National Filaria Control Scheme.

(v) Leprosy Control Scheme.

(vi) Establishment of the department of Social and preventive medicine in medical colleges.

(vii) Venereal Dieases Control Scheme.

(c) A statement is laid on the Table of the House. [*See* Appendix III, annexure No. 31.]

FOREST RESEARCH INSTITUTE

***354. Shri S. C. Samanta:** Will the Minister of **Food and Agriculture** be pleased to state what additional equipment and supplies have been provided for the Forest Research Institute, Dehra Dun under the supplementary Indo-U.S. agreement which was signed on the 29th April, 1954?

**The Minister of Commerce (Shri Karmarkar):** No such agreement was signed on the 29th April, 1954.

REHABILITATION OF JOOMIAS IN TRIPURA

***357. Shri Dasaratha Deb:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that due to lack of centralised office or divisional offices, the Joomia tribes of Tripura have not been able to submit applications for their rehabilitation; and

(b) if so, when such difficulties would be removed by setting up proper office for this purpose in every Divisional Headquarters?

**The Minister of Commerce (Shri Karmarkar):** (a) No, Sir.

(b) Does not arise.

MODEL PUBLIC HEALTH ACT

***361. Dr. Satyawadi:** Will the Minister of **Health** be pleased to state the progress made by the Committee appointed by the Ministry of Health to draft a Model Public Health Act?

**The Minister of Health (Rajkumari Amrit Kaur):** The statutory provisions relating to Public Health in Central and State enactments have been collected. A meeting of the Committee was held in Calcutta on the 9th and 10th June, 1954 when the scope and structure of the proposed Model Public Health Act were discussed in detail by the Members of the Committee. Another meeting of the Committee was also held from the 31st July to the 2nd August, 1954 and considerable progress has been made

in drafting the chapters of the model Public Health Act.

POULTRY DEVELOPMENT

*362. **Shri V. Missir:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that Government propose to start a scheme of poultry development;

(b) if so, what steps have been taken in the matter; and

(c) the date by which it would be implemented?

**The Minister of Commerce (Shri Karmarkar):** (a) to (c). An all-India scheme of poultry development is under preparation. A pilot scheme at some of the selected centres which is to precede the main scheme is also under consideration. The pilot scheme is likely to be implemented in August, 1955.

KOTTUR-HARIHAR RAIL LINK

*367. **Shri Gadilingana Gowd:** will the Minister of **Railways** be pleased to state:

(a) whether Government have under consideration any scheme to link Kottur with Harihar *via* Harpanahalli on the Southern Railways; and

(b) whether any survey has been made and the estimates prepared?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) No Sir.

(b) Does not arise.

RESTORATION OF BARWADIH-SARNADIH RAILWAY LINE

*368. **Shri G. P. Sinha:** Will the Minister of **Railways** be pleased to state:

(a) whether there is any proposal to re-start the construction of Barwadih-Sarnadih railway line in Bihar in the district of Palamau; and

(b) the amount of money that has already been spent over construction of this line?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) The question of utilizing a part or whole of the section already constructed is under consideration.

(b) A sum of Rs. 15 crores approximately has so far been spent on the construction of this line.

INDO-U. S. PARCEL POST SERVICE

*373. **Shri Krishnacharya Joshi:** Will the Minister of **Communications** be pleased to state:

(a) whether Government have decided the question of having a direct Parcel Post Service between India and U.S.A.; and

(b) if so, when Government propose to introduce it?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) Yes.

(b) It has been introduced from the 15-8-1954.

COOPERATIVE FARMING UNITS

*375. **Shri Bibhuti Mishra:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of villages turned into co-operative farming units during the Five Year Plan period upto the 30th June, 1954; and

(b) how the present production compares with that of the pre-co-operative farming days?

**The Minister of Commerce (Shri Karmarkar):** (a) Report received so far from the State Governments show that one village in Mysore and three in Bhopal have been converted into co-operative farming units.

(b) Precise figures have not been reported by the State Governments. The States of Bhopal and Mysore, however, report better production.

TICKETLESS TRAVEL

*379. **Shri Krishnacharya Joshi:** Will the Minister of **Railways** be pleased to state:

(a) whether any new steps have been taken by the Railway authorities at Bombay and Madras to detect ticketless travellers; and

(b) how far they have succeeded in this campaign?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) Yes.

(b) The results achieved are encouraging.

INDO-U. S. OPERATIONAL AGREEMENT

*380. **Shri S. C. Samanta:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that in May last a supplementary Indo-U.S. Operational Agreement for the provision of additional equipment etc. to the existing Extension Training Centres has been executed;

(b) if so, the extent to which the scope of work of the existing centres will be widened;

(c) the number of additional training centres that will be started; and

(d) how far response has come from women workers for training?

**The Minister of Commerce (Shri Karmarkar):** (a) Yes.

(b) The scope of work of the existing Extension Training Centres is proposed to be widened in the following directions:—

(i) Addition of Home Economics Wings to 25 Centres for imparting training to women village level workers.

(ii) Addition of workshops to 20 Centres for imparting training to village artisans in smithy, carpentry and technique of improved village housing designs and construction with special emphasis on repairs and manufacture of improved agricultural implements.

(iii) Provision of instructions to farmers residing in the vicinity of the Training Centre on new developments in Agriculture and on the formation of rural co-operatives.

(c) Nine.

(d) The Home Economics Wings are expected to start functioning during the middle of 1955. It is therefore too early to judge the response from women workers.

SHARE-HOLDERS OF NATIONALISED AIRWAYS COMPANIES

*381. **Shri M. S. Gurupadaswamy:**
**Shri Bhagwat Jha Azad:**

Will the Minister of **Communications** be pleased to state:

(a) whether it has come to the notice of Government that the shareholders of the nationalised Airways companies passed a resolution on the 17th June, 1954 in Bombay expressing their emphatic protest against the delay in payment of compensation by Government to the Airways Companies; and

(b) the action taken by Government to expedite the payment of compensation?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) Yes, Sir.

(b) The work relating to the assessment of the assets and liabilities of the Air Companies has now reached an advanced stage and it is expected that during the course of this month the Corporations will be in a position to determine the amounts of compensation due to all but three companies and make offers to them of the amounts so determined. In respect of two companies, the compensation amounts are likely to be determined during the course of the next month. As regards the third company, the

Indian Airlines Corporation have found it necessary to make certain representations to the Tribunal which has been set up under the Air Corporation Act. The determination of the compensation amount due to this company will have to wait till the Tribunal has given its award.

LAND GIVEN TO SWASTI SAMITI

*382. **Shri Dasaratha Deb:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that a registered Co-operative Society by the name of Swasti Samiti have taken settlement of about one thousand drones of land in Kailashahar Subdivision from the Government of Tripura;

(b) whether it is a fact, that before the settlement was given to Swasti Samiti, a big portion of this plot had been occupied by the Tribal people;

(c) whether any representation has so far been made to Government by the affected Tribal people; and

(d) if so, what action has been taken in the matter?

**The Minister of Commerce (Shri Karmarkar):** (a) Yes, Sir.

(b) while it is true that a portion of this plot had been occupied by tribal people before a settlement was given to the Swasti Samiti, in the absence of proper survey the lands so occupied could not be exactly indicated.

(c) Yes, Sir.

(d) The matter is receiving attention of the State Government.

NON-PAYMENT OF SUGAR PRICES

*383. **Shri Bishwa Nath Roy:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply to starred question No. 1135 asked on the 17th March, 1954 and state the amount still payable to the cultivators of sugarcane as price of the cane supplied by them to the sugar factories in U.P. and Bihar in the years 1952-53 and 1953-54?

**The Minister of Commerce (Shri Karmarkar):** A statement showing the arrears of cane price still outstanding against sugar factories in U.P. is laid on the Table of the House. [*See* Appendix III, annexure No. 32.]

Similar information relating to the Bihar factories, is awaited.

**विलुपुरम् रेलवे दुर्घटना**

*३८४. **श्री रघुनाथ सिंह :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गत ११ जुलाई को दक्षिण रेलवे के विलुपुरम् स्टेशन पर रेलवे दुर्घटना के कारण बीस व्यक्ति घायल हो गये थे; और

(ख) यदि हां, तो दुर्घटना का क्या कारण था ?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) Yes, as a result of a shunting engine colliding with the rake of a passenger train at Villupuram Junction, on the Southern Railway, at about 0·47 hours on 11-7-1954.

(b) The accident was caused by an unauthorised young person of unsound mind, suddenly getting on to the footplate of the engine unnoticed by any one in the vicinity and driving it away recklessly in the direction of the rake which was standing on the same line.

DELEGATION TO RUSSIA

*385. **Shri Gidwani:** Will the Minister of **Railways** be pleased to state:

(a) whether it has come to the notice of Government that the Railway Transport Workers Union of U.S.S.R. has invited the National Federation of Indian Railwaymen to send a delegation to Russia; and

(b) if so, whether the delegation has been sent by the Federation?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Yes.

(b) Government understand that one of the officials of the Federation has been sent.

DEEP-SEA FISHING IN ANDHRA

*386. **Shri Buchhikotaiah:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether any proposals have been made and any financial assistance has been sought by the Government of Andhra for development of deep-sea fisheries in that State; and

(b) if so, what are the proposals?

**The Minister of Commerce (Shri Karmarkar):** (a) No, Sir.

(b) Does not arise.

RAILWAY BRIDGES

*387. **Shri C. R. Iyyunni:** Will the Minister of **Transport** be pleased to state:

(a) whether the bridge works at Alwaye and Edacochi in Travancore-Cochin State have been started; and

(b) if so, how far they have progressed?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) and (b). Actual construction has not yet been started. Both the bridges required elaborate preliminary investigations, which have almost been completed and the preparation of detailed plans and estimates has been taken up.

NEW LINES FOR THE SECOND FIVE YEAR PLAN

*388. **Shri Gadilingana Gowd:** Will the Minister of **Railways** be pleased to state:

(a) whether Government have selected the new Railway Lines that will be taken up in the Second Five Year Plan;

(b) if so, the names of the Lines proposed to be constructed; and

(c) by what time Government are likely to come to a decision in the matter in case no decision has yet been taken?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) Not yet, Sir.

(b) Does not arise.

(c) Sometime next year.

PHILATELIC AND POSTAGE STAMP CENTENARY

*389. { **Dr. Rama Rao:** / **Shri Veeraswamy:**

Will the Minister of **Communications** be pleased to state the total budgeted and estimated expenditure for the forthcoming "Philatelic and Postage Centenary"?

**The Deputy Minister of Communications (Shri Raj Bahadur):** The budgeted as well as the estimated expenditure for the India Postage Stamp Centenary Celebrations is Rs. 10 lakhs.

LOANS FOR PURCHASE OF FERTILIZE

*390. **Shri D. C. Sharma:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Punjab State have approached the Central Government for a loan for the purchase of fertilizers in 1954; and

(b) if so, the amount of loan sanctioned?

**The Minister of Commerce (Shri Karmarkar):** (a) Yes

(b) Rs. 65,66,175/-

RAILWAY CATERING

*391. { **Shri Dabhi:** / **Shri Nambiar:** / **Ch. Raghubir Singh:**

Will the Minister of **Railways** be pleased to state:

(a) whether the sub-Committee appointed to examine the catering contract system on railways has completed its examination;

(b) if so, what are the main recommendations of the Committee; and

(c) when they are likely to be implemented?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) to (c). All aspects of the problem of catering on Indian Railways are under examination of the Committee and their report is expected shortly.

SONEPUR-HAJIPUR BRIDGE

*392. **Pandit D. N. Tiwary:** Will the Minister of **Railways** be pleased to state:

(a) the total amount realized as toll from Sonepur-Hajipur Bridge on the North Eastern Railway; and

(b) whether the amount realised on this account exceeds the expenditure incurred on the construction of the bridge?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan):** (a) Precise amount realised as toll during the entire period since the construction of the bridge and up to 3rd November, 1949, when the toll was abolished, is not available; but it is estimated that it would not exceed Rs. 7·5 lakhs in any case.

(b) No, Sir.

INTERNATIONAL CONGRESS ON GERONTOLOGY

*393. **Shri Raghunath Singh:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that India participated in the third Congress of the International Association of Gerontology held in London; and

(b) if so, whether any problems concerning India were discussed there?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) Yes.

(b) The proceedings of the Congress are awaited and a summary of its discussions will be laid on the table of the House in due course.

**इम्प्रूवमेण्ट ट्रस्ट, दिल्ली**

*३९४. **श्री नवल प्रभाकर :** क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि क्या दिल्ली इम्प्रूवमेंट ट्रस्ट की आय बढ़ाने के निमित्त कोई योजना बनाई जा रही है ?

**The Minister of Health (Rajkumari Amrit Kaur):** No such scheme is under consideration at present.

IMPORT OF POTATOES

*395. **Dr. Ram Subhag Singh:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government propose to import potatoes from Burma during the year 1954-55; and

(b) if so, the quantity thereof?

**The Minister of Commerce (Shri Karmarkar):** (a) and (b). Under the terms of the current Indo-Burma Trade Agreement, there is a provision for import into India from Burma of seed potatoes within a monetary ceiling of Rs. 30 lakhs **per annum. Import** of table potatoes from Burma has generally not been permitted. Recently, however, as a special case, it was decided to permit an import of 2,000 tons of table potatoes from Burma into Calcutta port only during the quarter July-September, 1954. The value of these imports will be covered by the monetary ceiling of Rs. 30 lakhs fixed under the Trade Agreement.

ROADS

**152. Shri Nanadas:** Will the Minister of **Transport** be pleased to state:

(a) the mileage of new roads built since the 15th August 1947; and

(b) the mileage of surfaced roads?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** The information required, so far as it relates to municipal roads, is not available.

As regards extra-municipal roads, the earliest figures of mileage available in respect of the **Indian Union** immediately after partition show the position as on the 31st March 1948. The latest figures show the position as on the 31st March 1950 but even

these are only provisional as complete data are still awaited from the Government of West Bengal. On the basis of the data available, the information required is given below:--

| | |
|---|---|
| (a) mileage of new roads built between 31st March 1948 and 31st March 1950 | 11,269 |
| (b) mileage of surfaced roads built during the same period | 4,675 |

PRIMARY SCHOOLS FOR CHILDREN OF TEA GARDEN LABOURERS

**153. Shri Dasaratha Deb:** Will the Minister of **Labour** be pleased to state:

(a) in how many tea gardens of Tripura, there are free primary schools for labourers' children;

(b) which of the tea gardens of Tripura have no primary schools; and

(c) whether Government propose to take steps to provide primary schools in those tea gardens where such schools have not yet been opened?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) Sixteen.

(b) Thirtyseven gardens have no primary schools. Workers' children, however, get educational facilities at schools situated near those gardens.

(c) Section 14 of the Plantations Labour Act, 1951, empowers the State Government to make rules requiring every employer to provide educational facilities for the workers' children. Draft model rules relating to educational facilities have been framed by the Government of India and will be finalised shortly. When the rules are published by the State Government and enforced more schools will be established in the tea gardens.

TEA GARDENS IN TRIPURA

**154. Shri Dasaratha Deb:** Will the Minister of **Labour** be pleased to state:

(a) whether it is a fact that in the tea gardens area of Tripura, there have been frequent accidents in the factories;

(b) if so, the reasons for such frequent accidents; and

(c) what steps have been taken so far to prevent such accidents?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) No report about any accident in the tea gardens factories has been received by the Government of Tripura.

(b) and (c). Do not arise.

## सुअर के बाल

**१५५. डा० सत्यवादी :** क्या **खाद्य तथा कृषि** मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष १९५३-५४ में, देश में सुअर के बाल की कुल हिसाबवार सम्बन्धी आंकड़े क्या हैं;

(ख) उस वर्ष देश में उनकी खपत तथा निर्यात के आंकड़े क्या हैं; और

(ग) १९५३-५४ में इनका स्थानीय और विदेशी बाजारों में अधिक से अधिक और कम से कम प्रति मन मूल्य कितना रहा ?

**The Minister of Commerce (Shri Karmarkar):** (a) Figures for 1953-54 are not available. The production of bristles is estimated on the basis of the livestock census which takes place every 5 years and according to the latest data available from the census of 1945 the estimated production is roughly 5 to 6 lakh lbs. per annum.

(b) Figures of internal consumption for 1953-54 are not available. Internal consumption during 1952-53 was estimated at 1,35,358 lbs., and exports during 1953-54 were 3,03,856 lbs.

(c) A statement is placed on the Table of the house. [*See* Appendix III, annexure No. 33.]

CEYLONESE FISHING BOATS

**156. { Shri V. P. Nayar: / Shri Punnoose: / Shri Shivananjappa:**

Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether any complaints have been received by Government in 1954 that the territorial waters of India near and around Cape Comorin are being secured by the Ceylonese fishing boats;

(b) if so, what action has been taken in the matter;

(c) whether Government propose to set up a fishing convention with neighbouring countries to protect the rights of Indian fishermen in having a complete monopoly of fishing up to the 100 fathom line off Indian coast; and

(d) what steps Government have taken to prevent incursion of foreign fishing enterprises into Indian territorial waters?

**The Minister of Commerce (Shri Karmarkar):** (a) Yes, but no tangible evidence is there so far to substantiate these complaints.

(b) Does not arise.

(c) and (d). It is not in the public interest to disclose any information at the present stage.

NUTRITIONAL DISORDERS AMONGST STUDENTS

**159. Shri V. P. Nayar:** Will the Minister of **Health** be pleased to state:

(a) whether any survey of nutritional disorder prevailing amongst Indian students has been made;

(b) if so, what is the estimate of percentage of students suffering from nutritional disorders and diseases;

(c) whether there is an all India policy regarding the Medical care of school and university students; and

(d) if so, what are its details?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) No planned survey of such a nature has been made so far, but limited surveys have been carried out in certain States.

(b) In view of (a) above, it is not possible to give an estimate of the percentage of students suffering from nutritional disorders and diseases. However the result of a survey of 1,000 boys examined in U.P. in 1953 at the instance of the Indian Council of Medical Research according to Routine and Rapid Nutrition Survey Schedules is laid on the Table of the House. [*See* Appendix III, annexure No. 34.]

(c) and (d). No, but a pilot project for school health services is under the consideration of the Government of India. The need for such care has been emphasised frequently to the Ministers of Health.

MANIPUR STATE ROAD TRANSPORT

**160. Shri Rishang Keishing:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that the Manipur State Road Transport Department has surrendered a sum of Rupees two lakhs from the budget allotment of 1953-54 which was provided for the purchase of buses, trucks and station wagons;

(b) if so, the reasons thereof; and

(c) the action taken by the Government of India in this connection?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) No.

(b) and (c). Do not arise.

COAL WORKERS

**161. Shri D. C. Sharma:** Will the Minister of **Labour** be pleased to state:

(a) the total number of coal workers in India; and

(b) the amount of foreign exchange earned by exporting coal in 1952 and 1953?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) About 3,41,000.

(b) The information is being collected and will be laid on the Table of the Sabha in due course.

RAILWAY CLAIMS

**162. Shri D. C. Sharma:** Will the Minister of **Railways** be pleased to state:

(a) the total amount of claims filed in the years 1952-53 and 1953-54 on the Northern Railway; and

(b) whether it is a fact that there is often delay in settlement of the claims?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Railways do not maintain statistics of the amounts of claims preferred by claimants as in some cases no amount is given by the claimants and in some others, the amount claimed is high and does not bear any relation to the amount of claims settled and paid.

(b) There may have been some delays in individual cases but on the whole the railway has been arranging to dispose of the claims as quickly as possible. The average time taken in settlement of claims has decreased from 79 days in 1948-49 to 65 days in 1952-53 on the Northern Railway.

RAILWAY QUARTERS

**163. Shri D. C. Sharma:** Will the Minister of **Railways** be pleased to state the total number of class IV Railway employees on the Northern Railways who have not been provided with residential quarters upto July, 1954?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** 37,763

RAILWAY PORTERS' UNIFORMS

**164. Shri D. C. Sharma:** Will the Minister of **Railways** be pleased to state:

(a) the number of pairs of uniforms issued yearly to porters on the Northern Railway; and

(b) the rate of recovery of cost made from these porters towards these uniforms and the basis of the recovery?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Two uniforms per head per year.

(b) The cost of a uniform works out to Rs. 5-2-0. The uniform supplied to the porters by the railway are charged for on a 'no profit, no loss' basis.

INDIAN FOWLS (RESEARCHES)

**165. Shri Barman:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the pedigreed strains up to which researches have been carried out so far on crosses of Indian fowls with exotic breeds such as white leghorn, Rhode Island Red, Barred Plymouth Rock etc. and also with back-crosses;

(b) whether any ill effects to the health of the breeds have been observed after a few generations; and

(c) the extent to which the egg-laying capacity has been developed in the best of the breed so far?

**The Minister of Commerce (Shri Karmarkar):** (a) Researches with regard to the crosses of Indian fowls with exotic breeds have been carried out in the Indian Veterinary Research Institute, Izatnagar (Uttar Pradesh), Madhya Pradesh and Bombay.

(i) *I.V.R.I., Izatnagar (U.P.):*

Pedigreed breeding has been confined to White Leghorn, Rhode Island Red, Barred Plymouth Rock, Desi and crosses between the Desi and different breeds of imported fowls mentioned above. White Leghorn, Rhode Island Red and a strain of Indian fowl (desi) have been bred for over 12 generations since 1941.

(ii) *Madhya Pradesh:*

In Madhya Pradesh, Desi hens have been upgraded by cocks of White Leghorn and Rhode Island breeds where progeny of 7th generation is now available.

(iii) *Bombay*:

In Bombay, Chittagong have been crossed with Rhode Island Red, and Light Sussex and Desi have been crossed with White Leghorn.

(b) No significant ill-effects to the health of breeds or their crosses have been observed in any of the above researches.

(c) At Izatnagar and in Madhya Pradesh the average annual egg production of 48 in desi foundation stock has in the 5th generation gone up 146 and 142·5 in the Rhode Island Red and White Leghorn grades respectively. The egg-laying capacity of the desi birds too has doubled on account of better feeding, housing and management. The present annual production at Izatnagar is:—

| | |
|---|---|
| White Leghorn | 155·7 |
| Rhode Island Red | 156·3 |
| Barred Plymouth Rock | 156·1 |
| Desi | 134·3 |
| White Leghorn 5 X | 153·6 |
| Rhode Island Red 5 X | 160·8 |
| Barred Plymouth Rock 3 X | 162·3 |

In Bombay, as a result of the crosses mentioned under (a) (iii), the average yield has gone up to 138·30, 146·40 and 101·5 eggs respectively.

AIRWORTHINESS CERTIFICATES

166. **Sardar Hukam Singh:** Will the Minister of **Communications** be pleased to state:

(a) the number of aircrafts holding current certificates of registration at the end of June, 1954; and

(b) the number out of (a) above which hold current certificates of airworthiness?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) 627.

(b) 184.

PILOT LICENCES

167. **Sardar Hukam Singh:** Will the Minister of **Communications** be pleased to state the number of 'A', 'A1' and 'B' pilots holding current licences on the 1st July, 1954?

**The Deputy Minister of Communications (Shri Raj Bahadur):** Pilots holding 'A' licence—475, 'A-1' licence —2, and 'B' licence—566.

दिल्ली परिवहन सेवा

१६८. **सेठ गोविन्द दास :** क्या परिवहन मंत्री यह बताने की कृपा करेंगे कि :

(क) चालू वर्ष में दिल्ली परिवहन सेवा में कितनी बसें और बढ़ाई गई हैं;

(ख) जून १९५४ तक किन मार्गों पर आधे आधे घंटे पर बसें चलती थीं; और

(ग) इस काल में कितनी बस की दुर्घटनायें हुईं ?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Sixty nine.

(b) Routes Nos. 1, 4, 6, 7, 10, 16A, 24, 25 and 30.

(c) One hundred seventy five of which 13 were major and the remaining 162 minor.

INTERNATIONAL POSTAL RELATIONS

169. **Shri Krishnacharya Joshi:** Will the Minister of **Communications** be pleased to state:

(a) what is India's role as a Member on the Executive and Liaison Committee of International Postal Relations; and

(b) what are the main advantages of being a Member of the Universal Postal Union?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) As a member of the Executive and Liaison Committee India with nineteen other members ensures the continuity of the work of the Universal Postal Union in between the Quinquennial Congresses.

(b) The advantages derived by India by being a member of the Universal Postal Union are:

(i) reciprocal exchange of correspondence with the countries

of the Union which, in the absence of membership of the Union is possible only by a series of bilateral agreements with the countries of the world.

(ii) promotion of international collaboration in this sphere.

(iii) settlement of dispute, if any, with other member countries by means of arbitration.

(iv) freedom of transit for our mails over the territories of other countries of the Union.

(v) the benefit of a uniform rate for conveyance of mails both by surface and air; and

(vi) the benefit of technical advice based on the experiences of other administrations.

ELECTRIC LOCOMOTIVES AND COACHES

**170. Shri Tushar Chatterjea:** Will the Minister of **Railways** be pleased to state:

(a) the requirement of electric locomotives and coaches for the existing electrified Railway lines of the country;

(b) how far is this requirement met by indigenous production and how far by foreign import; and

(c) what is the extra requirement for the new projects of electrified lines already undertaken?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Requirements vary from time to time but about 77 Electric Locomotives and about 670 Electric suburban type coaches are needed.

(b) All requirements have been met by import so far.

(c) This is still under consideration but provision for about 130 coaches and 15 locomotives will probably be made in the next year's budget.

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AIR-CONDITIONED COACHES

**171. { Pandit D. N. Tiwary: Shri Bhagwat Jha Azad:**

Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that air-conditioned coaches are mostly going vacant;

(b) the number of air-conditioned coaches in each zone; and

(c) the income derived from air-conditioned coaches in 1953-54?

**The Deputy Minister of Railways and Transport (Shri Alagesan):**

(a) No.

(b)

| | |
|---|---|
| Central | 14 |
| Eastern | 20 |
| Northern | 5 |
| Southern | 9 |
| Western | 24 |
| | 72 |

(c) Rs. 47,27,666 approximately.

ELECTRIC INSTALLATION AT FIROZABAD STATION

**172. Ch. Raghubir Singh:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Government have a proposal to electrify the Firozabad Station between Tundla and Shikohabad; and

(b) if so, by what time this line will be electrified?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) and (b) There is no proposal to electrify the line between Tundla and Shikohabad. However, Firozabad Station is programmed to be electrified during 1954-55, provided power is made available by U.P. Government from their Grid System.

पत्र पत्रिकायें

१७३. श्री विभूति मिश्र : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) विभिन्न भाषाओं में कृषि के सम्बन्ध में सरकार द्वारा प्रकाशित की जाने वाली पत्र-पत्रिकाओं के नाम क्या हैं ;

(ख) गांवों में उन की खपत कितनी है; और

(ग) इन पत्र-पत्रिकाओं को लोकप्रिय बनाने के लिये सरकार ने क्या कार्यवाही की है, और उस का परिणाम क्या हुआ ?

**The Minister of Commerce (Shri Karmarkar):** (a) to (d). A statement giving the required information is placed on the Table of the Lok Sabha. [*See* **Appendix III, annexure** No. 35.]

SKILLED AND UNSKILLED WORKERS

**174. Pandit Munishwar Datt Upadhyay:** Will the Minister of **Labour** be pleased to state:

(a) the number of unemployed (skilled and unskilled) workers registered with Employment Exchanges since 1951;

(b) what percentage of the unemployed on the exchange registers are getting employment every year;

(c) the percentage of additional registrations every year; and

(d) the months in which there are the largest number of applicants for employment?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) to (c). Three statements are placed on the Table of the House. [*See* **Appendix III, annexure No. 36.**]

(d) The number of applicants for employment are the largest generally during the months of June and July each year.

RAILWAY INVESTMENTS IN ROAD TRANSPORT

**175. Shri K. C. Sodhia:** Will the Minister of **Railways** be pleased to state:

(a) the total amount invested by the Railways in the bus transport services in Madhya Pradesh;

(b) the number of companies in which investments have been made;

(c) the amount invested in each;

(d) whether the Ministry of Railways have any voice in the management of these services and if so, what; and

(e) the amount of profit received on these investments during 1952-53 and 1953-54?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) and (b). The total amount invested so far by the Railways in the two transport services at present operating in Madhya Pradesh, *viz.* The Central Provinces Transport Services, Ltd., Nagpur and The Provincial Transport Services, Ltd., Nagpur, is Rs. 18,13,300/-

(c) Rs. 9,66,500/- in the Central Transport Services Ltd., and Rs. 8,46,800/- in the Provincial Transport Services, Ltd.

(d) Yes. The affairs of these transport services are managed by their respective Boards of Directors on each of which the Railways have two Directors.

(e) The amount of profit received by the Railways in the form of dividend during the year 1952-53 is Rs. 87,348/- (Tax free).

The accounts for the year 1953-54 have not yet been audited.

DELHI EMPLOYMENT EXCHANGE

**176. Shri Rajagopala Rao:** Will the Minister of **Labour** be pleased to state:

(a) the total number of persons registered for employment in the clerical and other posts with the Regional Employment Exchange, Delhi, in 1952, 1953 and January-June 1954 approximately;

(b) how many of the registered persons were found jobs;

(c) whether there are any instances of persons registered in 1953 not receiving a call, while persons registered later were found situations even though the qualifications in both cases were the same; and

(d) whether the attention of Government has been drawn to any such complaints of favouritism shown by the Exchange and if so, whether they have been enquired into?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) and (b). The registrations and placements effected are as follows:

| Year | Registrations | | |
|---|---|---|---|
| | Clerical | Others | Total |
| 1952 | 18,587 | 42,085 | 60,672 |
| 1953 | 20,589 | 35,628 | 56,217 |
| 1954 (Jan-June) | 10,202 | 21,537 | 31,739 |

| Year | Placements | | |
|---|---|---|---|
| | Clerical | Others | Total |
| 1952 | 1,927 | 6,394 | 8,321 |
| 1953 | 1,800 | 3,562 | 5,362 |
| 1954 (Jan-June) | 1,056 | 1,910 | 2,966 |

(c) No, except in case of urgent or immediate demands carrying unattractive terms, for which candidates available at the spot have to be submitted.

(d) No; if any specific instances are brought to the notice of the Government, suitable action will be taken in the matter.

POST-OFFICES IN BACKWARD AREAS

**177. Shri Bahadur Singh:** Will the Minister of **Communications** be pleased to state:

(a) the number of post offices opened since 1st April, 1953 in the backward areas where the permissible limit of loss has been raised to Rs. 1,000 per annum; and

(b) the amount of loss actually suffered in running these post offices?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) 340.

(b) Rs. 1,02,314.

EXPLORATORY TUBE-WELLS

**178. Shri Bhagwat Jha Azad:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of foreign firms that have been given contracts for the construction of exploratory tube-wells in India by the Central Government; and

(b) the comparative cost of a tube-well constructed by (i) a foreign firm and (ii) an Indian firm?

**The Minister of Commerce (Shri Karmarkar):** (a) None. The actual construction of tube-wells under the project will be carried on departmentally. An agreement has, however, been signed with an American firm for providing advisory services, technical personnel and assistance in procurement of materials and equipment.

(b) The cost of the construction of a standard tube-well of 300 ft. depth complete with pumpset and transformer under contracts given by State Governments to foreign firms under 1952 TCM Programme is Rs. 29,000/- and under 1953 TCM Programme is Rs. 26,100/-. Since there is no Indian firm with adequate experience in this type of work, comparison is not possible.

THEFTS IN JAMALPUR RAILWAY WORKSHOPS

**179. Shri Bhagwat Jha Azad:** Will the Minister of **Railways** be pleased to state:

(a) the value of goods that have been stolen from Jamalpur Railway workshops up to the 31st July, 1954;

(b) whether any part thereof has been recovered; and

(c) the total loss incurred by Government in respect of stolen goods?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) The value of goods stolen is approximately Rs. 4,550/-.

(b) Yes, about Rs. 3,000/-.

(c) Rs. 1,750/-.

AGRICULTURAL LOANS IN TRIPURA

**180. Shri Dasaratha Deb:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of applications received for agricultural loans in Tripura during 1953;

(b) the number of persons who were advanced loans; and

(c) what was the minimum and the maximum amount given in such cases?

**The Minister of Commerce (Shri Karmarkar):** (a) to (c). The information is being collected and will be placed on the Table of the House when available.

TUBE-WELLS

**181. Shri K. P. Sinha:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) how many out of the total 2,000 tube-wells proposed under the Indo-U.S. Technical Assistance Programme for 1952 are to be constructed under contracts and how many would be constructed directly by the State or the Central Government; and

(b) the progress made so far in respect of other schemes under the Indo-U.S. Technical Assistance Programme for 1953?

**The Minister of Commerce (Shri Karmarkar):** (a) 1505 are being constructed by contractors and 495 by the State Govts. concerned.

(b) Under the 1953 Programme there are two schemes of tube-well construction *viz.* (i) the schemes for 650 production tubewells and (ii) the scheme for 350 exploratory tube-wells. Out of 650 tube-wells under the first scheme 485 will be constructed through contractors and the balance 165 departmentally. As regards 485 wells, the contractors have made the preliminary arrangements and are expected to start work in September, 1954. Of the 165 departmental wells —35 are to be constructed in Bihar and the remaining 130 in U.P., which has already drilled 69 wells and completed 63 upto 31st July, 1954.

Under the scheme of 350 Exploratory tubewells, the work is being taken up departmentally and is likely to start in November, 1954.

INDIANS TRAINED OVERSEAS

**182. Shri Ajit Singh:** Will the Minister of **Transport** be pleased to state the number of members of the Indian Staff who are being trained in the establishment of Messrs La Societe Anonyme des Ataliers et la lovia de Paris (ACL) in France?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** So far as Government are aware, there is no firm known in France as Messrs La Societe Anonyme des Ataliers et la lovia de Paris (ACL). There is, however a firm known as Ateliers Chantiers de la loire in Nantes in which 3 Indians have been admitted for training so far. There is no Indian trainee with this firm at present.

TOURISTS TRAFFIC

**183. Shri Ajit Singh:** Will the Minister of **Transport** be pleased to state:

(a) the number of tourists who visited India during 1953 and from which countries; and

(b) whether it is a fact that the general complaint of the tourists is that they are facing difficulties with the customs authorities at the ports and if so, what steps are being taken in the matter?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) A statement showing the number of tourists nationality-wise who visited

this country during 1953 is placed on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 37.]

(b) Specific cases of difficulty in connection with the clearance of personal effects of tourists are invariably looked into, and suitable steps are taken to remove such difficulties as far as possible. Special facilities are granted to the tourists in the matter of quick clearance, restricted examination of baggage, special clearance arrangements, availability of Baggage Declaration form to tourists in transit through Shipping and Aircraft agents. The question of further simplification of Customs formalities is under constant consideration of the Government.

POST-GRADUATE MEDICAL EDUCATION

**184. Shri Rishang Keishing:** Will the Minister of **Health** be pleased to state the number of Scheduled Castes and Scheduled Tribes students who were sent for the Post-Graduate Medical Education to U.K. during each of the last five years?

**The Minister of Health (Rajkumari Amrit Kaur):** None of the candidates selected during the last five years declared themselves as belonging to Scheduled Castes or Scheduled Tribes.

## रेलवे दुर्घटनाओं की जांच समिति

१८५. { श्री नवल प्रभाकर : श्री एम० एल० अग्रवाल :

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रेलवे दुर्घटनाओं की जांच समिति ने अपना प्रतिवेदन प्रस्तुत कर दिया है; और

(ख) यदि हां, तो उसकी सिफारिशें क्या हैं ?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) and (b). Yes and a Committee has been appointed to review the recommendations.

## पेरम्बूर में रेल के सवारी डिब्बे बनाने का कारखाना

१८६. **श्री नवल प्रभाकर :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पेरम्बुर में रेल के सवारी डिब्बे बनाने के कारखाने का निर्माण आरम्भ हो गया है;

(ख) यदि हां, तो यह निर्माण कार्य कब तक पूरा हो जाने की आशा है; और

(ग) अब तक इस कारखाने के निर्माण पर कितनी राशि व्यय हो चुकी है ?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Yes, Sir.

(b) By the end of 1955.

(c) Rs. 1,59,76,448 upto the end of July, 1954.

## सादाबाद में टेलीफोन व्यवस्था

१८७. **श्री दिगम्बर सिंह :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि जिला मथुरा (उत्तर प्रदेश) में सादाबाद नामक स्थान पर टेलीफोन व्यवस्था के लगाये जाने के सम्बन्ध में जो जांच की गई थी, उसका क्या परिणाम हुआ ?

**The Deputy Minister of Communications (Shri Raj Bahadur):** A proposal to open a Public Call Office at Sadabad is under examination and there are reasonable prospects for it to be opened in the near future.

GRAIN COMPENSATION ALLOWANCE TO P. AND T. EMPLOYEES

**188. Dr. Satyawadi:** Will the Minister of **Communications** be pleased to state the reasons for recovering overpayments of grain compensation allowance from the P. & T. staff stationed at Simla when the same were waived in respect of the staff of the D. G. P. & T.?

**The Deputy Minister of Communications (Shri Raj Bahadur):** The grain compensation allowance overpaid to the Directorate staff in Simla came to light in 1947 and it was then decided to waive the recoveries in their case. But in the case of staff in other P. & T. offices in Simla, the over payments were brought to notice only at the end of 1950. The question was examined and it was decided in November 1951 that the amount remaining outstanding on 1-11-51 may be waived. Government could not agree to refund the amount already recovered as it is against the policy usually followed in such cases.

JOINT CONSULTATIVE BOARD OF INDUSTRY AND LABOUR

**189. Shri Tushar Chatterjea:** Will the Minister of **Labour** be pleased to state the basis on which the Joint Consultative Board of Industry and Labour has been reconstituted recently?

**The Deputy Minister of Labour (Shri Abid Ali):** Government have had nothing to do with the reconstitution of the Joint Consultative Board of Industry and Labour, which is an independent un-official organization. The Board reconstituted itself as a bipartite unofficial organization consisting of two representatives each of the four organizations, which originally came together to bring it into being, *viz.*,

*Employers*:

(1) All India Organization of Industrial Employers.

(2) Employers' Federation of India.

*Workers*:

(1) Indian National Trade Union Congress.

(2) Hind Mazdoor Sabha.

In addition an independent Chairman was elected by agreement between the Members of the Board.

PROMOTIONS IN THE RAILWAY

**190. Shri R. N. Singh:** Will the Minister of **Railways** be pleased to state:

(a) whether Government are aware of the fact that a number of irregularities have taken place in the promotion to the grades of assistants-in-charge and superintendents; and

(b) if so, what steps Government propose to take in the matter?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) and (b). No. Owing to conditions created by the War and the Partition, it was not found possible for some years to hold selections in the case of Assistants-in-Charge. Promotions to these posts were made, as a temporary measure, Branch-wise on the recommendation of the Director concerned. Persons thus promoted have now been examined, along with other staff, by a Selection Committee for selection of Superintendents and Assistants-in Charge and the recommendations of the Committee are under the consideration of the Railway Board.

MESSRS SPENCERS

**191. Shri S. V. Ramaswamy:** Will the Minister of **Railways** be pleased to state:

(a) whether Messrs Spencers have closed down their catering establishments on the Southern Railway;

(b) the number of establishments that have been closed down so far; and

(c) the steps that are being taken to cater to the needs of such tourists as were served by Messrs Spencers so far?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Yes. Messrs Spencer and Co. have terminated the contracts for 42 of the catering establishments out of 49 held by them on the Southern Railway.

(b) 42.

(c) Out of the 42 contracts given up by Messrs Spencer and Company, 5 have been taken over by another firm. In respect of the other 37, the position is that non-vegetarian refreshment rooms are being opened at 13 stations. These refreshment rooms will provide the same service as was

being given by Messrs Spencer and Company. At another 6 stations, non-vegetarian refreshment rooms already exist and similar service would be provided there also. At the remaining 18 stations, there is no demand for the type of service rendered by Messrs Spencer and Company and no special arrangements are, therefore considered necessary.

## चीनी उद्योग के विकास के लिये राज्यों को अनुदान

१९२. **श्री आर० एन० सिंह** : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) कौन कौन से राज्य सहकारी समितियों के द्वारा चीनी उद्योग के विकास के लिये केन्द्रीय अनुदान प्राप्त कर रहे हैं;

(ख) किन किन राज्यों में ऐसी सहकारी समितियां आरम्भ करने का विचार है; और

(ग) ऐसे अनुदानों के लिये किन किन राज्यों ने प्रार्थना पत्र भेजे हैं और उनमें से प्रत्येक को कितना कितना रुपया दिया गया है ?

**The Minister of Commerce (Shri Karmarkar)**: (a) Nil.

(b) Certain co-operative Societies have been organised in the States of Bombay, Andhra, U.P. and Punjab for establishing new sugar factories.

(c) No State Government has applied for any Central grant for starting sugar factories on co-operative basis. The Industrial Finance Corporation would, however, consider favourably any requests for loan from such co-operative societies.

### Air India International Constellation

**193. Shri Raghunath Singh:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that the Air India International Constellation on a proving flight from Bombay to Tokyo was "Buzzed" by two U. S. Jet Fighters at about 4-30 A. M. (G.M.T.) on the 27th July, 1954 while passing over Hainan Island; and

(b) if so, whether Government have protested to the U.S. Government in this connection?

**The Deputy Minister of Communications (Shri Raj Bahadur)**: (a) Two unidentified aircraft approached the Air India International Constellation while it was passing Hainan. No. radio contact could be established with the two aircraft but after flying near the Constellation for about 20 minutes or so the aircraft went off.

(b) No, Sir. The Fighters flew over the Constellation, apparently, for purposes of identification.

### New Post Offices in Mysore

**194. Shri N. Rachiah:** Will the Minister of **Communications** be pleased to state:

(a) whether Government have received any applications for opening of new post offices in rural areas in the Mysore State; and

(b) if so, what action has been taken by Government in this connection and how many such post offices have been opened?

**The Deputy Minister of Communications (Shri Raj Bahadur)**: (a) 127 applications were pending on 1-4-1954 for opening new rural post offices in Mysore State and 36 applications have been received during 1954-55.

(b) In 43 cases orders have been issued for the opening of post offices.

In 12 cases, new post offices are not justified. 108 applications are under examination.

### Crimes on Railways

**195. Shri R. N. Singh:** Will the Minister of **Railways** be pleased to state:

(a) the number of thefts and murder cases in the trains during the current year upto 31st July;

(b) the total loss of life and property involved in these cases;

(c) the steps that are being taken by Government to protect the life and property of passengers; and

(d) the amount of money that has been paid as compensation to the sufferers?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a)—

| | | |
|---|---|---|
| | Thefts in passenger trains. . . | 1,408 |
| | Murders in passenger trains. . . | 3 |
| (b) | Loss of life . . | 3 |
| | Loss of property | Rs. 5.28 lakhs approximately. |

(c) Steps taken towards this end include:—

(i) provision of armed escorts on important passenger trains;

(ii) fixing of iron bars to windows and safety latches to doors of train compartments;

(iii) positioning of ladies compartments in the Centre of trains, as far as possible;

(iv) permission to ladies travelling alone at night to take one female servant or companion in a higher class with a 3rd class ticket, and

(v) frequent joint raids with local Police, Watch & Ward, Railway Protection Police and Government Railway Police in affected areas to round up the criminals.

Further it has recently been decided:—

(i) to increase the number of bars from 3 to 4 per window in all compartments; and

(ii) to secure the lavatory windows by welding a flat bar in the middle on the existing window bars and make the window bar assembly tamperproof from outside by rivetting mushroom head bolts over the nuts as the coaches pass through shops for periodical overhaul repairs.

(d) These figures are not maintained separately.

EXPORTS AND IMPORTS THROUGH CALCUTTA PORT

**196. Shri Sadhan Gupta:** Will the Minister of **Transport** be pleased to state:

(a) whether there has been a steep fall in the volume of exports and imports handled by the port of Calcutta during the first five months of this year;

(b) the income earned by the Calcutta port authorities during this period; and

(c) how this income compares with the income for the corresponding periods of 1952 and 1953?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Yes, there has been an appreciable fall in the tonnages of imports and exports through the port of Calcutta in the first five months of 1954 as compared with the corresponding months of 1952 and 1953. The figures are given below:—

| | Total tonnage. | | |
|---|---|---|---|
| | 1952 | 1953 | 1954 |
| January | 7,80,283 | 6,56,097 | 6,22,797 |
| February | 8,77,165 | 7,09,515 | 5,60,545 |
| March | 8,93,575 | 7,41,022 | 6,15,946 |
| April | 9,22,131 | 7,49,029 | 5,87,051 |
| May | 9,23,240 | 7,49,935 | 5,80,394 |

(b) and (c). The comparative figures of income earned during the months of January to May in the years 1952, 1953 and 1954 are as follows:—

| | 1952 | 1953 | 1954 |
|---|---|---|---|
| | Rs. | Rs. | Rs. |
| January | 74,77,711 | 67,85,535 | 65,16,311 |
| February | 67,10,071 | 65,85,868 | 66,09,487 |
| March | 77,01,838 | 77,01,501 | 77,41,954 |
| April | 69,98,829 | 68,69,607 | 60,33,755 |
| May | 76,42,814 | 62,28,115 | 60,36,676 |

## रेलवे स्टेशनों का वर्गीकरण

१९७. **श्री जांगड़े** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) किस आधार पर वर्तमान स्टेशनों का वर्गीकरण या क्रमस्थापन किया जाता है; और

(ख) पूर्वी रेलवे पर गोंदिया, बिलासपुर तथा रायपुर स्टेशनों को कौन से दर्जे दिये गये हैं ?

**The Deputy Minister of Railways and Transport (Shri Alagesan)**: (a) The grades of Station Masters of various stations are determined by taking into account the importance of the stations, volume of goods and coaching traffic, number of staff supervised by the Station Master, and other relevant factors.

(b) The following C.P.C. scales have been assigned to Gondiya, Bilaspur and Raipur stations:—

| | |
|---|---|
| Gondiya | Rs. 300-20-400 |
| Bilaspur | Rs. 260-15-350 |
| Raipur | Rs. 360-20-500 |

## World Forestry Congress

**198. Shri Gidwani**: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the estimated expenditure on the Fourth World Forestry Congress to be held at Dehra Dun this year;

(b) whether it is a fact that a special building has been constructed to house an exhibition;

(c) if so, the cost of that building; and

(d) whether it is a permanent or a temporary structure?

**The Minister of Commerce (Shri Karmarkar)**: (a) The estimated gross expenditure is Rs. 2,58,000/-; the receipts are estimated at Rs. 2,03,000. Thus the net expenditure is likely to be Rs. 55,000/-.

(b) A building is being constructed; it is also one of the exhibits.

(c) It is estimated to cost Rs. 77,875.

(d) It is a permanent structure.

## Aerodrome at Kandla

**199. Dr. Ram Subhag Singh**: Will the Minister of **Communications** be pleased to state:

(a) whether Government propose to construct an Airport at Kandla;

(b) if so, when the construction work is likely to be undertaken; and

(c) the estimated cost of constructing that Airport?

**The Deputy Minister of Communications (Shri Raj Bahadur)**: (a) Yes, Sir.

(b) By the end of the current year.

(c) Rs. 12 lakhs.

## मालगाड़ी की दुर्घटना

२००. **श्री रघुनाथ सिंह** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि अभी हाल में १२५७ अप मालगाड़ी उत्तर रेलवे के हरदोई-बरेली खण्ड के करना स्टेशन पर दुर्घटनाग्रस्त हो गई थी, जिसके फलस्वरूप चालक और खलासी मर गये और इंजिन तथा पांच माल डिब्बे पटरी से उतर गये और पांच माल डिब्बे बिल्कुल टूट फूट गये; और

(ख) यदि हां, तो दुर्घटना का क्या कारण था ?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) No. 1267 Up Goods—not 1257 as stated in the Question—ran into a sand hump at Masit—not Karna—station at about 4-58 hours on 5-8-1954. The engine derailed, the Loco Rest-Van which was next to it was smashed. Three wagons next to the Rest-Van derailed and capsized. The driver and a fireman resting in the Rest-Van were killed. 12 other railway servants including the crew of the engine received minor injuries.

(b) The accident was caused by the driver entering the station at an excessive speed and failing to control his train in time.

# LOK SABHA

# DEBATES

**(Part II—Proceedings other than Questions and Answers)**

**VOLUME VI, 1954**

*(23rd August to 11th September, 1954)*

## Seventh Session

## 1954

**LOK SABHA SECRETARIAT**

**NEW DELHI**

## LOK SABHA

*Wednesday, 1st September, 1954*

*The Lok Sabha met at a Quarter Past Eight of the Clock.*

[MR. SPEAKER *in the Chair.*]

## QUESTIONS AND ANSWERS

(*See Part I*)

9-20 A.M.

## MOTION FOR ADJOURNMENT

**Mr. Speaker:** Before we proceed further, I will refer to the adjournment motion sought to be introduced by the hon. Member Dr. Khare. I do not propose to mention the subject on which he wanted to have the adjournment motion.

**Dr. N. B. Khare** (Gwalior): I have already asked that in my question.

**Mr. Speaker:** I am going to order expunction of that question from the proceedings of today. I do not want, as I said, to give him publicity and it is very wrong on the part of a Member, even when he was communicated beforehand that I refuse to give him my consent.....

**Dr. N. B. Khare:** Sir, I.....

**Mr. Speaker:** Let there be no interruptions from the hon. Member. Let him hear me.

I gave him intimation that I refuse to give consent and that I shall not mention it in the House. He phoned to say that I should mention it in the House. With deference to his wishes, I mention in the House that there is an adjournment motion which is obviously untenable. It cannot, by any stretch of imagination, be brought in as an adjournment motion in this House. Though the subject-matter of the motion may be very important, it does not affect the Centre at all. If I were to admit a motion in respect of some instance of some years ago, which is based on inferences and perhaps insinuations and on highly defamatory insinuations,—I think that will be doing a disservice to the cause which Dr. Khare has at heart. It is better that he should approach the administrative authorities and get his grievances remedied rather than try to develop a particular thing in the House in the form of an adjournment motion. That is why I declined to mention it. I informed him accordingly and again, it is at his instance that I am merely mentioning that I refuse to give him consent.

As regards the question he put to me, he mentioned the subject not completely and I am ordering expunction of what little he mentioned, because I do not want this House to be used or this floor to be used for the purposes of defamation of any person. If Dr. Khare is keen and quite sure of his ground, he may make an enquiry outside this House so that the parties concerned may have a remedy against him; and, if he is right, he will have his grievances remedied, I am sure, through proper channel.

## CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

### TRIBUNAL TO ADJUDICATE UPON INDUSTRIAL DISPUTES IN INSURANCE COMPANIES

**Shri Sadhan Gupta** (Calcutta—South-East): Under Rule 215, I beg to call the attention of the Minister of Labour to the following matter of urgent public importance and I request that he may make a statement thereon.

"Refusal of the Government of India to set up an All India Industrial Tribunal to adjudicate upon the Industrial dispute in Insurance Companies."

**The Deputy Minister of Labour (Shri Abid Ali)**: Sir, representations were received by Government from some Unions and associations of insurance employees demanding the appointment of an All-India Tribunal to adjudicate upon industrial disputes in insurance companies in India. Those organisations suggested that the Tribunal should enquire into the general demands of insurance employees, that is, salary scales, dearness and other allowances, bonus, gratuity, provident fund, medical aid, leave, working hours, holidays, security of service etc. The Government of India have carefully considered the demand for the countrywide adjudication on the pattern of the banks adjudication. The experience of the all-India adjudication in the banking industry has shown that it is very difficult for such tribunals to evolve suitable scales of pay and dearness allowances applicable to employees in a large number of branches and offices located in different parts of the country. It is felt that the adjudication of demands relating to pay scales etc. in individual units in the insurance industry could be dealt with more satisfactorily by a tribunal. The machinery provided under the Industrial Disputes Act, 1947 is always available for the settlement of disputes in any other units in the industry. In view of these considerations the Government have decided not to set up an All-India Tribunal for the insurance industry.

## MADHYA BHARAT TAXES ON INCOME (VALIDATION) BILL

**The Deputy Minister of Finance (Shri M. C. Shah)**: I beg to move for leave to introduce a Bill to validate the levy, assessment and collection in the State of Madhya Bharat of certain taxes on income and on profits of business due in respect of the periods referred to in sub-section (1) of section 13 of the Finance Act, 1950.

**Mr. Speaker**: The question is:

"That leave be granted to introduce a Bill to validate the levy, assessment and collection in the State of Madhya Bharat of certain taxes on income and on profits of business due in respect of the periods referred to in sub-section (1) of section 13 of the Finance Act, 1950."

*The motion was adopted.*

**Shri M. C. Shah**: I introduce* the Bill.

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## TAXATION LAWS (EXTENSION TO JAMMU AND KASHMIR) BILL

**The Deputy Minister of Finance (Shri M. C. Shah)**: I beg to move for leave to introduce a Bill to provide for the extension of certain taxation laws to the State of Jammu and Kashmir and for matters connected therewith.

**Mr. Speaker**: The question is:

"That leave be granted to introduce a Bill to provide for the extension of certain taxation laws to the State of Jammu and Kashmir and for matters connected therewith."

*The motion was adopted.*

**Shri M. C. Shah**: I introduce* the Bill.

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*Introduced with the recommendation of the President.

SPECIAL MARRIAGE BILL—*Contd.*

**Mr. Speaker:** We will now proceed with the further consideration of the Special Marriage Bill. Hon. Members are aware that the motion for consideration of the Special Marriage Bill, 1954, as passed by the Rajya Sabha, has already been discussed for three days during the last session. The Lok Sabha has devoted about twelve hours over the motion for consideration of the Bill. The general discussion on the motion for consideration of the Bill was not concluded when the last session adjourned on the 21st May, 1954. It was agreed during the last session that one day more will be allotted for the general discussion on the Bill in the next session and thereafter clause by clause consideration of the Bill will be taken up.

The House will conclude the general discussion on the Bill today. After the Minister for Law has replied to the debate, I shall put the motion for consideration to the vote of the House at 1-15 P.M.

Therefore, now we will take up further consideration of the motion:

> "That the Bill to provide a special form of marriage in certain cases, for the registration of such and certain other marriages and for divorce, as passed by the Rajya Sabha, be taken into consideration."

**Shri N. C. Chatterjee** (Hooghly): Sir, I am obliged to you for giving me a chance of participating in the discussion today. I was personally a little handicapped during the last session as I had spoken rather strongly on this Bill somewhere in Hyderabad and for that there was a good deal of misunderstanding. Sir, I spoke very strongly because I honestly felt strongly on certain aspects of this very important Bill.

The hon. Law Minister, my friend Shri Biswas, in his very elaborate opening speech has tried to emphasise the aspect that it is a permissive Bill, it is not a compulsory measure, it is a non-communal and non-sectarian measure, it is meant to be all-pervasive and that, therefore, it is not a measure which ought to provoke very much comment. I am afraid, it is not quite correct and I shall endeavour to point to my hon. friends in this House that, although it is *prima facie* permissive, it has got certain features which will lead to very serious effects on sacramental marriages, specially the Hindu marriages.

There is a clause which is rather extraordinary, and is of a revolutionary character. This is a clause which was not in the original Special Marriage Act as it was passed in 1872. You know, as my friend the hon. Law Minister has pointed out, this Bill was passed at the instance of Shri Keshab Chandra Sen and Brahmo leaders who wanted a particular kind of civil marriage not restricted by the injunctions of Hindu laws, because they wanted to marry outside the caste, in the same *gotra* and so on. These were not permissible at that stage and therefore they wanted such a Bill. But, these restrictions are now gone. Two legislations have come into being in 1946 and 1949 and a good deal of the *raison d'etre* of that old Act has now gone. First of all, under the Hindu law as it now stands, there is no restriction with regard to caste or sub-caste, or *gotra* or *pravara*. Anyone can marry outside the caste and that marriage will be perfectly valid. The law has been put beyond any doubt. I am reading to you from the latest edition of Principles of Hindu Law by Mr. D.F. Mulla—the latest edition has been edited by a great judge and great jurist, Mr. Justice Mukerjea. He has pointed out that in two respects the law is now perfectly clear. First of all, he has pointed out:

> "It is now provided by the Hindu Marriage Disabilities Removal Act, 1946, that notwithstanding any text, rule or interpretation of the Hindu Law or any custom or usage, a marriage between Hindus, which is otherwise valid, shall not be invalid by reason only of the

[Shri N. C. Chatterjee]

fact that the parties thereto belong to the same *gotra* or *pravara*."

This, Sir, is one important change which was effected. The second important change which has been effected is this, that by the Act of 1949, all restrictions with regard to inter-caste marriages have gone.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

Now, when I made my comment in my speech in South India, I made it with a purpose and that purpose is this. I maintain and I ask all my hon. friends to consider seriously this aspect of the problem. Is it right that the Upper House should take charge of this Bill in the initial stage? Which is the proper forum for the consideration of such an important and controversial measure which will affect the lives of millions of people, the welfare of individuals, the welfare of society at large and the welfare of the entire nation? I am very happy to find that some hon. Members on the opposite benches also feel like that and the first speaker who followed the hon. Law Minister, Shri C. C. Shah said:

> "If I may respectfully say so, Sir, I regret that this Bill which is so important and which is so controversial, should have been introduced and discussed first in the Council of States and then brought to this House. And I am also urging that the convention should be immediately introduced that all important and controversial measures like this should first be introduced in this House before they are taken by the other House."

It is not a question of prestige, it is not a question of dignity; but, it is a question of principle, the essential question of this bi-cameral parliamentary system. We have been elected by adult suffrage. We reflect the popular will and in respect of any measure like this, which will have tremendous consequences on the whole national set-up, it is important and vital that the popular House democratically elected should have the first say in the matter. Shri C. C. Shah has also rightly pointed that it will save a lot of time and it will also save a good deal of complication. Sir, you know that certain amendments have been made by the Upper House which have made the Bill more controversial and the hon. Prime Minister who addressed this House on the last day of the last session, also said that this Bill as it has emerged from the Council of States requires amendment. I am reading, Sir, the exact language of Pandit Nehru:

> "I think that as the Bill has emerged from the Council of States it would be desirable to make some alterations and amendments."

He did not specify what amendments and what alterations should be made, but I have no doubt that the hon. Prime Minister was thinking of a very revolutionary clause which has been inserted by the Upper House, namely, the clause regarding divorce by consent. Divorce by consent is repugnant to the basic principles of Hindu marriage, repugnant to the entire system on which Hindu family life rests. This is unknown in English Law. As a matter of fact, if you go to any Divorce Court in England, you will find that the first issue that is adjudicated upon by the Divorce Judge will be: has there been any consent between the parties to get the divorce? It may not be raised at any pleading, but in the English courts, French courts and also in most of the Continental courts, the first thing that requires adjudication is: is there consent between the parties to get the divorce? (*Interruptions*). Is it a matter of friendly compact between the husband and wife so that the holy union should be disrupted? As you know,—you are a distinguished lawyer yourself— in the English Courts there

is a Proctor attached to every divorce judge and that Proctor makes an independent enquiry, because on the face of things there may be a good case, and good lawyers may be engaged. The whole thing goes on for days, elaborate evidence is taken and then the judge makes his finding, but it may be that there were some facts which were not placed before the court deliberately although eminent lawyers might have appeared. Therefore, in the western countries where you have provision for divorce, they take this important precaution: let there be no divorce by consent, by arrangement or by contract.

**An Hon. Member:** What is the harm done by the way?

**Shri N. C. Chatterjee:** I am honestly of the opinion that it will lead to companionate marriages, it will lead to convenient marriages, it will lead to some kind of *muta* marriages, may be for seven days or ten days, and I think.....

**Shrimati Renu Chakravartty** (Basirhat): Read the clause please.

**An Hon. Member:** That is better than polygamy (*Interruptions*).

**Mr. Chairman:** Let him proceed in his own way.

**Shri N. C. Chatterjee:** I know that some people, who think they are progressive, are in favour of divorce by consent. I maintain I am also progressive and that is why I accepted a seat on the Untouchability Bill Committee. I honestly feel as the President of the biggest organisation in India of the Hindus that if Hinduism has to live, untouchability must die and that is why I joined the Committee. (*An Hon. Member*: Question). That is the cardinal principle of the organisation to which I belong and of which I am the temporary head. What I am pointing out is that you must know and realise the basic principles of Hindu marriage.

**Shri S. S. More** (Sholapur): May I make a submission that this Bill does not refer to Hindu marriages?

**Shri N. C. Chatterjee:** It does refer and I am sorry that Mr. More has not read the Bill. If Mr. More had taken the trouble of reading the Bill, he would have realised that one of the most important clauses is this, namely, that under this Bill, after it is enacted, Mr. More who married Mrs. More years ago, can go with her to the Marriage Registrar and have their marriage registered under this law, and then he will cease to be governed by the Hindu law of succession and will be governed by the Indian Succession Act. Not only that. Under this Bill, there is provision for retrospective application of the law of divorce to sacramental marriages which took place twenty or thirty years back. I am opposed to that on principle. I am saying that you have no right to tamper with sacramental marriages. A man marries a woman under the Hindu Law and a Muslim gentleman marries a Muslim lady under the Muhammadan Law, knowing perfectly well the obligations of the respective laws. When a Hindu marries a Hindu woman under the Hindu Law he knows that there is an indissoluble union, there can be no divorce and it must be a permanent partnership, eternal fellowship for self-fulfilment and for the development of society—*dharma, artha, kama, moksha*. It is incapable of termination by bilateral arrangement or contract. The man and the woman accept their union with the full knowledge of their obligations —and they live together. As a matter of fact, there may be children who are born to them. Suppose a man was married thirty years ago and has sons about 25 or 20 years of age, what you are doing here is that you are allowing that marriage to be registered by that man.....

**The Minister of Law and Minority Affairs (Shri Biswas):** That is only optional.

**Shri N. C. Chatterjee:** Look at the absurdity of the thing. Immediately that marriage is registered, that man is governed by the Succession Act. Not only that. His son, who is 25 years old

[Shri N. C. Chatterjee]

and who may have married under the Hindu law or the Hindu sacramental system and who may have children, will cease to be governed by the Hindu law; he will be governed by the Indian Succession Act.

**Shri Biswas:** That is not the effect of this Bill.

**Shri N. C. Chatterjee:** I am pointing out that this retrospective application of the provisions of the Bill to sacramental marriages is not proper and is not desirable and it is destructive of the basic principles of the Hindu ideals of marriage. You should not, therefore, tamper with sacramental marriages. The Doctor behind me is saying "Nobody is forcing you". He does not know our society, he does not know our country and he does not know at least the women of India.

**Dr. Jaisoorya** (Medak): I am highly flattered.

**Shri N. C. Chatterjee:** According to this Bill, in India if a man gets the signature of his wife to an application for registration, he can file it and get the marriage registered, and immediately—the next day or the day after—he can go to the court and apply for a divorce on certain grounds specified, maybe cruelty, may be adultery or any one of the grounds prescribed for the purpose. You know our country, you know how helpless the people are and you also know the standard of literacy in the country. I think Acharya Kripalani was quite right when he said that it will be the easiest thing for the husband to get the consent of the wife. Is it desirable, having regard to the state of society,—they are not economically competent; they are not hundred per cent. literate as in other countries— that you should allow the husband to get the consent or signature of his wife, and next day get it registered and then apply the Indian Succession Act. Not only that. The man can go and have a divorce in the court. I beg of this House to consider whether it would be desirable to have sacramental marriages interfered with, the Hindu marriages tampered with by the provisions of this Bill. Who demanded this?

**Shri S. S. More:** All of us.

**Shri N. C. Chatterjee:** Let him go home and ask and get the consent of his wife before he says this.

**Sardar Hukam Singh** (Kapurthala-Bhatinda): He will get it without any hesitation as you said.

**Shri N. C. Chatterjee:** For effecting this remarkable change or a revolutionary change like this, the House should have got the mandate of the nation. It was not there in the Hindu Code Bill; it was not in Sir B. N. Rau Committee's report. It was never placed.....

**Shri Biswas:** Sir B. N. Rau was not called upon to consider the Special Marriage Bill.

**Shri N. C. Chatterjee:** I am obliged to my hon. friend for his intervention. It does not matter whether it is the Hindu Marriage Bill or any other Bill. Did you ever consult the nation? Did you ever consult the electorate? Did you ever ask for the mandate of the country? You want divorce by consent. The hon. Law Minister himself has pointed out—I think he is right there, although we differ on many points—that something like this law was existent only in Soviet Russia. Outside the communist countries, not in the United States of America, not in Australia, not in Canada, there is this kind of law. I am quoting the Soviet civil law, a portion of which was read out by the Law Minister:

> "Either spouse had complete freedom to discontinue without stating the reasons therefor."

Therefore, you can say, 'I do not like any longer my wife.' Finished. The divorce was recorded by the civil registry office not only upon a declaration by both the spouses but also upon a unilateral declaration by the spouse of his or her desire to discontinue conjugal life. You send a

postcard to the Registration Officer: 'I do not like any longer my wife.'

**The Minister of Defence Organisation (Shri Tyagi):** She can do likewise.

**Shri N. C. Chatterjee:** You have not heard me. The Soviet civil law said that not only upon a declaration by both the spouses but also by the unilateral declaration by the spouse, conjugal life could be discontinued. Therefore, it would be quite all right if we have unilateral declaration. One may like it, and say it is very desirable. I say it is very undesirable; it is destructive of the basic principles of Hindu concept of marriage. So many empires have crushed into ruin; so many dynasties have sprung and have gone into oblivion; so many civilizations have ceased to function at all, but Hindu civilization and Hindu society still live. Why? Not because of anything else but because of certain vital principles to which it clings and one of the principles was this: the purity of domestic life, and the high standard of chastity of women which it enforced. That purity and chastity have been the great principles which are vital and which have preserved Hindu society and Hindu civilization. Will you in any way destroy that? Will any one want to affect that organism and that great principle? In Soviet law really, the entry of divorce in the civil register was made just to record the fact that there has been a dissolution or there has been a disruption of conjugal rights. No evidence, no grounds, nothing of that sort. In Soviet Russia itself they have changed the law, and they are trying to tighten it up. The same thing is happening even in countries like England and America. They know that family life is going to pieces and they are trying to make divorce stricter. I am only saying this: Men and women have married under the Hindu law, or under the Muslim Law or under personal laws and they have entered into scramental marriages accepting the full liabilities and the full obligations of such sacramental marriages. What business have you to interfere with or to tamper with, such marriages? Why do you give loop-hole in these cases and say that even then, the divorce clauses will be applicable on registration? Then, what is the *raison d'etre*? What is the object of having a Hindu marriage taken to a divorce court? I cannot understand. You have already a Bill dealing with all Hindu marriages with the possibility of divorces of such Hindu marriages. Make it an all-pervasive Bill applicable to all citizens, if you have the courage to say that by having one marriage law in secular India, you are trying to implement the basic or directive policies of the Constitution-makers. I can understand that. But you are not doing it. You are having a Hindu Marriage and Divorce Bill. The Select Committee is going on. When you are having provision for Hindu marriages and divorces of such Hindu marriages, why do you allow, by a side wind, this kind of attack and this kind of dissolution of Hindu marriages? It is not logical. With great respect, I would say that it is not right.

The other point I want to make is this. I am suggesting, in all seriousness, that this legislation should be applicable only to marriages contracted between persons belonging to different religions. I want to add a clause to sub-caluse 2 of clause 1 that this Act shall only apply to certain marriages—I am reading an amendment which stands in the name of Pandit Thakur Das Bhargava—amendment No. 221:

**Shri Biswas:** What number?

**Shri N. C. Chatterjee:** Possibly, the Law Minister had not the time to look into.....

**Shri Biswas** No, no. I wanted the number.

**Shri N. C. Chatterjee:** I apologise to my learned brother. It is amendment No. 221 by Pandit Thakur Das Bhargava. It reads thus:

"In page 1, *after* line 10, *insert:*

'(2A) This Act shall only apply to marriages contracted between

[Shri N. C. Chatterjee.]

persons belonging to different religions.' "

There is a good deal of force in it. You know the background in which the Special Marriage Act was passed, and it was mainly at the instance of certain sections of the pepole like the *Brahmos*, in Bengal and members of *Prarthana Samaj* and so on. Even up to 1923, when a radical amendment was made, caste restrictions continued. As I have pointed out, at the present moment, caste, sub-caste, *gotra* and *pravara* restrictions on Hindu marriages have all been removed as a result of three legislations: Act XXVIII of 1946, The Hindu Marriage Disabilities Removal Act, then Act XXI of 1949, The Hindu Marriage Validity Act and Act XIX of 1937, Arya Marriage Validation Act. Therefore, there is no longer any bar to the marriage of Hindus among themselves on account of caste, sub-caste or *gotra* or *pravara* restrictions. Only when a Hindu wants to marry outside the Hindu religion, then, the Special Marriage Act was found necessary.

**Shri Biswas:** The Special Marriage Act, as amended in 1923, did not provide for marriages between persons of different religions.

**Shri N. C. Chatterjee:** I am obliged for the elucidation, but I never asserted that it did. I know the Act as it stood. I have got the Act in front of me. The original Act said:

> "Whereas it is expedient to provide a form of marriage for persons who do not profess the Christian, Jewish, Hindu, Muhammadan, Parsee, Buddhist or Jain religion, it is hereby enacted as follows:"

Then Dr. Gour's Act came and the amendment added:

> "All persons who profess the Hindu religion..." etc.

But up to 1946, there were caste restrictions on inter-caste marriages and also restrictions regarding *gotra*, *pravara* and so on. What I am pointing out is this. Now that those restrictions have gone, there is absolutely no reason why, if a Hindu wants to marry a Hindu—may be outside his caste—there should be no bar. There is absolutely no bar, no restriction. All those restrictions have been swept away.. Therefore, this Act can be or need be invoked by a Hindu only when he wants to marry a non-Hindu. There is no question of invoking the Act if he is going to marry a girl professing the Hindu religion. Therefore, I am saying that I am wholeheartedly commending, to the consideration of my hon. colleagues in this House, that an amendment like that suggested by Pandit Bhargava is desirable. Do not throw the door open too much and make the loop-hole too big.

Now, look at clause 15 of this Bill. I am pointing out that this is objectionable. Clause 15 of the Bill says:

> "Any marriage celebrated, whether before or after the commencement of this Act, other than a marriage solemnized under the Special Marriage Act, or under this Act, may be registered under this Chapter by a Marriage Officer....."

This will enable all Hindu marriages contracted during the past ten years, 20 years, 30 years or 40 years, to be registered and the effect will be immediately that is done the divorce clause will become operative. This clause 27 reads:

> "Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to the district court either by the husband or the wife on the ground that the respondent, etc., etc."

Really, although you are enacting the Hindu Marriage and Divorce Act, you are giving here retrospective effect, making it, first of all, possible for Hindu marriages solemnized 20 or 30 years ago to be registered and then allow this divorce clause to be fully operative in case of such marriages.

Then, if you compare clause 27 with the divorce clause in the Hindu Marriage Bill you will find that there is remarkable difference. In one case a single act of adultery is quite enough; in the other case the wife must be a concubine, or the husband must keep a concubine. When this Parliament is going to legislate with regard to Hindu marriage and divorces, is it right to have parallel kinds of legislation, marriages performed twenty years back being liable to be dissolved on the grounds mentioned in the Act and another Hindu Marriage and Divorce Act where the divorce can be had on other grounds, conflicting grounds, not co-terminous, not comparable? I submit, Sir, that is not proper.

**Shri M. S. Gurupadaswamy** (Mysore): Why do you deny the advantage for them?

**Shri N. C. Chatterjee:** You would not understand—what can I do?

Sir, I have all along maintained that it is a slander to say that Hindu law is static. Hindu law was never static. As a matter of fact, Hindu law has been dynamic. You know Hindu law has been a part of the common law in the country: therefore, it has developed, it has progressed according to the development of social consciousness. The greatest fetter on the development of Hindu law was foreign domination. Up to that stage Hindu law had progressed and developed. You know commentaries came; *Mitakshara* came, *Dayabhaga* came. They reflected the popular will of that time. The commentators brought the law into harmony with the existing practices. The *Vedas* are not the immutable and the only source of law. However much Manu might be maligned, he was the greatest jurist in Asia or in India. Sir, what did Manu say? He pointed that there were four sources of law—*Sruti*, *Smriti*, *Sadachar* (healthy customs), and Equity and good conscience.

The greatest tribute was paid to custom and usage: that means recognition of the social consciousness and the realisation that law must be put in harmony with progressive social consciousness. The trouble was that when the British judges came they wanted to take us back to the days of Manu. Thereafter Hindu law made no progress; it remained static. Now that we have got rid of foreign domination that bar is gone and there should be development of social consciousness and full progress in that direction.

10 A.M.

I was listening to the debate on the untouchability Bill attentively. I could not participate in it because I was on the Select Committee. You also spoke and you pointed out that mere legislation is futile in these fields, unless social consciousness is properly aroused. If you simply enact legislation of this kind, it will lead nowhere. That will sometimes be sterile, as it has often happened.

Now I want to point out to you, Sir, that the only Muslim member of this Joint Committee has also strongly opposed that Muslim marriages should be brought within the scope of this Bill. He has pointed out that it is not right. He has given some good reasons. He says:

> "The opinion of the Muslims is definitely against this Bill as it is against the *shariat*. * * * It is unfair and unjust to force this Bill on the Muslims."

He continues:

> "Those who register their marriages under the Act are governed by the Succession Act and hence those who would have inherited from them under their personal law are deprived of such right of inheritance, but on the other hand the persons who register their marriage under this Act are not debarred from inheriting from their relations under their personal law. Thus third parties are definitely affected adversely by this Bill and mutuality in the law of inheritance is violated. Therefore bare justice requires that a proviso should be added to clause 1 to the effect that this Act shall not apply to Muslims."

[Shri N. C. Chatterjee]

One point I am trying to make out is this. There is a clause here in this Bill which makes provision for automatic severance of the *Mitakshara* coparcenary—clause 19. If you enact this clause as it stands it will have very deleterious effect on good many business houses. I know, my hon. friend Mr. Biswas knows, many people who come from big industrial cities like Bombay, Kanpur and Calcutta know that there are in those cities hundreds and thousands of *Mitakshara* joint families who have big business concerns. There may be limited companies, but the managing agents often are joint family concerns. If one member of a big *Mitakshara* family marries somebody under this Act, immediately there is a severance of the joint family and not merely of the joint family but also of the joint family business. You know, Sir, that the law is clear that you can have even by a unilateral declaration by one co-parcener the disruption of *Mitakshara* coparcenership. This will affect all coparcenary business. I think, Sir, this was not in the original Act. It was brought in when Dr. Gour made his amendment.

I want this House to seriously consider whether this is right and proper. If a Hindu marries a Hindu girl, or a Muslim marries a Muslim girl why should the status of the family be affected if the other members of the family treat them as honoured members of the same coparcenary or same family. I think, Sir, this requires careful consideration.

There is also one other aspect. I have read Shrimati Sushama Sen's minute of dissent on this point. This clause 21 reads:

> "Notwithstanding any restrictions contained in the Indian Succession Act, 1925 (XXXIX of 1925) with respect to its application to members of certain communities, succession to the property of any person whose marriage is solemnized under this Act and to the property of the issue of such marriage shall be regulated by the provisions of the said Act."

Sir, this is a very serious thing. I do not know whether it would be proper to make the Succession Act applicable in all such cases. The Joint Committee have said in their note on this clause:

> "One of the chief reasons why persons marry under this law is that in case of intestate succession, the Succession Act will apply and it would be extremely inconvenient to have different laws of succession applicable to different types of property."

Mrs. Sen who knows something of the Brahmo Samaj and the progressive elements at least in that Samaj point out that that is not correct. She has pointed out that that is not the object for which such marriages are contracted. She says:

> "It may be recalled that this clause was not in the parent Act of 1872 which was initiated by the Brahmo leader Keshub Chunder Sen and was passed into Act III of 1872. I have consulted some prominent members of the Brahmo Samaj. They are definitely against this clause."

I think even if you want to help the progressive elements you should know and realise that there is a strong feeling on this point. You should try to find out whether there is really any justification for making compulsory application of the Indian Succession Act, thus destroying and putting out of operation the Hindu Law of Succession in such cases. There are many other points which will require discussion and we will have to make our submissions when you tackle it clause by clause. What I point out is this: as you are having a separate Bill dealing with Hindu Law of Marriage and Divorce, it would not be right and proper to make any changes here so

as to affect the Hindu marriages or so as to make this Act applicable to the existing sacremental marriages contracted under the Hindu law.

**श्री बी० जी० देशपांडे** (गुना) : सभापति महोदय, इस विधेयक का नाम बड़ा अर्थ पूर्ण हैं । इसका नाम हैं विशेष विवाह विधेयक और मैं समझता था कि इसको विशेष विवाह विधेयक इसलिये कहा गया हैं कि यदि कोई सर्व सामान्य जो विवाह हैं उसके सिवा किसी विशेष परिस्थिति में विवाह करना चाहता हैं तो उसके लिये यह विधेयक लाया गया हैं । अर्थात धर्म शास्त्र के अनुसार अग्नि और ब्राह्मण के समक्ष या अन्य पद्धति से जो विवाह करते हैं उनको छोड़ कर जो स्वेच्छाचार से विवाह करना चाहते हैं उनके लिये यह विधेयक लाया गया हैं । शास्त्र में तो तरह तरह के विवाहों का वर्णन हैं ।

यत्र यत्र हरिणीदृशांक्रमः
तत्र तत्र मदनस्य विक्रमः

अर्थात जहां हरिणी के सदृश सुन्दर आंखें हों वहां मदन का प्रभाव पड़ता हैं ।

तो पृथ्वी पर बहुत प्रकार के विवाह हो सकते हैं और उनसे होने वाली सन्तान नाजायज न हो इसलिये इस स्पेशल मैरिज की आवश्यकता हो सकती हैं । मैं तो इसको फिजियालाजिकल मैरिज कहूंगा । उन सारे विवाहों को मान्यता देने वाला कानून पहले भी बनाया जा चुका हैं । मैं समझता था कि जो सामान्य से अलग दूसरी पद्धति से विवाह होते हैं उनको मान्यता देने के लिये हमारे विधि मंत्री यह कानून लाये हैं । लेकिन अब मालूम होता हैं कि हमें इस धर्म निरपेक्ष राज्य में एक आदर्श विवाह पद्धति दी जा रही हैं । यह तो हम समझ सकते थे कि अगर कोई अत्यन्त अपवादात्मक परिस्थितियों में विवाह हो उसको वैधानिक स्वरूप देने के लिये और उसके फलस्वरूप जो सन्तति हो वह अवैध न हो इसके लिये कोई कानून बनाया जाय । लेकिन जब यह कहा जाता हैं कि हम हिन्दू विवाह पद्धति से या दूसरी परसनल ला वाली विवाह पद्धतियों से अच्छी पद्धति ला रहे हैं और उसको एक मांडल ला के रूप में ला रहे हैं, तो हमको यह देखने का अधिकार हैं कि यह आदर्श विवाह पद्धति हमारे सामने हमारे आदर्श से कोई ऊंचा आदर्श रखती हैं या नहीं ।

मैं दो दृष्टियों से इस विधेयक को देखना चाहता हूं । यह विशेष विवाह विधेयक दो बातों पर निर्भर हैं, एक तो मॉनोगेमी और दूसरी डाइवोर्स । मॉनोगेमी हम समझते थे । उसका अर्थ हम सीता जैसी पतिव्रता स्त्री और रामचन्द्र जैसा एक पत्नि व्रत पुरुष से समझते थे। लेकिन मैं अब चिनौती के साथ कहना चाहता हूं कि

It is not monogamy; it is both polygamy and polyandry.

मेरी समझ में यह मॉनोगेमी नहीं आती हैं । रामचन्द्र जी के एक पत्नि व्रत को हम समझ सकते थे जो सीता के हर जाने पर बन में 'हा सीते' 'हा सीते' कहते हुए घूमते थे । हमारे यहां तो यह एक पत्नि व्रत था । लेकिन आज तलाक का अधिकार दिया जाता हैं । तलाक देने के बाद पति दूसरी स्त्री से विवाह कर लेता हैं और स्त्री दूसरे पति से विवाह कर लेती हैं । जैसे कि मिसेज सिम्पसन ने अपने चार पहले पति जीवित रहते हुए भी इस मॉनोगेमी के कानून के अन्दर एडवर्ड से विवाह कर लिया था । इस विधेयक के अन्दर स्त्री पुरुष पच्चीस पच्चीस पति और पत्नियों के जीवित रहते हुए भी आगे विवाह कर सकेंगे और उसको मॉनोगेमी कहा जायगा । यह तो ऐसी बात हैं जैसे कोई आदमी जो कि एक थाली भर लड्डू खा रहा हैं यह कहे कि मैं तो एक लड्डू खा रहा हूं क्योंकि मैं एक बार में एक ही खाता हूं । इसी तरह से इस विधेयक के अनुसार एक पुरुष पत्निव्रत और एक स्त्री पतिव्रता कही जायगी चाहे वे कितने ही विवाह क्यों न कर लें, यदि वे एक समय में एक विवाह करें ।

**Shri Biswas:** I do not think we have yet come to that stage.

**Dr. N. B. Khare** (Gwalior): It is rather the reverse.

**श्री बी० जी० देशपांडे** : प्रश्न यह है कि अब जो आप समाज के सामने आदर्श रखना चाहते हैं उसके अनुसार पच्चीस स्त्रियों के जीवित रहते हुए २६वीं स्त्री से शादी करने वाला पुरुष पत्निव्रत कहा जायगा और अपने पच्चीस पतियों के जीवित रहते २६वें पति से शादी करने वाली स्त्री पतिव्रता कही जायगी। परन्तु हमारा आदर्श इस प्रकार का नहीं है।

यहां बहुपत्नीत्व के विरुद्ध बहुत सी बातें कही जाती हैं। मैं उनसे पूछना चाहूंगा कि क्या बहुपत्नीत्व से ये बातें अच्छी हैं? मैं पूछना चाहता हूं कि आप देखें कि हमारे बहुपत्नीत्व के आदर्श में मानवता और सहानुभूति और औदार्य ज्यादा हैं या आपके इस आदर्श में। यह डाइवोर्स का कानून मैं उठा कर देखना चाहता हूं। इसकी धारा २७ में दिया है कि किन किन अवस्थाओं में पति पत्नी को डाइवोर्स दे सकता है। इसमें पहला कारण तो यह दिया हुआ है कि उसने व्यभिचार किया हो। हमारे यहां व्यभिचार के कारण कोई पत्नी को छोड़ नहीं सकता है। हमारे शास्त्रों में दिया हुआ है कि रजसा शुध्यते नारीः मासिक धर्म होने के पश्चात हम स्त्री को स्वीकार कर लें। यदि वह स्त्री गर्भवती हो गयी हो तो सन्तान होने के पश्चात उसको स्वीकार कर लेना चाहिये यह शास्त्रों की आज्ञा है। आगे चल कर इसमें दिया है कि यदि पत्नी को कोढ़ हो जाय तो उसको छोड़ा जा सकता है। हमारे पुराने आदर्श के अनुसार यदि पत्नी को कोई ऐसी बीमारी हो जाय तो हम उस अवस्था में दूसरा विवाह कर सकते हैं। शास्त्रों में आज्ञा है कि ऐसी अपवादात्मक स्थिति में कि सन्तान न हो या कोढ़ आदि ऐसा रोग हो जाय तो दूसरा विवाह किया जा सकता है और उस स्त्री की जो कि रोगिणी है हम अपने घर में रख कर सेवा सुश्रूषा करते हैं। आप उसको निकाल कर डाइवोर्स कर देते हैं। मैं आपसे पूछना चाहता हूं कि कौन सा आदर्श ज्यादा मानवता पूर्ण है, कौन सा ज्यादा सहानुभूति पूर्ण है और कौन सा ज्यादा औदार्यपूर्ण है।

इसके आगे यह है कि अगर किसी को सात साल की सजा हो गई हो तो ऐसी अवस्था में डाइवोर्स हो सकता है। जिन लोगों ने भारत की स्वतंत्रता की लड़ाई में भाग लिया उनमें से बहुतों को आठ आठ दस दस साल की कैद की सजा हो गयी थी। इस कानून के अनुसार ऐसी अवस्था में पत्नी उस पति को छोड़ कर दूसरे से विवाह कर लेगी। ऐसा कानून आप बना रहे हैं। मैं समझता हूं कि हमारे यहां का जो बहु विवाह तत्व है वह आपकी इस मॉनोगॅमी और डाइवोर्स से बहुत ज्यादा उदारतापूर्ण है। मैं यह मानने के लिये तैयार नहीं हूं कि आज आप इस कानून के द्वारा ज्यादा उदारता दिखला रहे हैं। हमारे यहां दूसरा विवाह करने की अनुमति केवल अपवादात्मक स्थिति में है स्वेच्छाचार से दूसरी पत्नी करने की आज्ञा नहीं है। हमारे यहां विधान है कि यदि कोई बिना कारण अपनी पत्नी को छोड़ता है तो उसे सजा देनी चाहिये। हमारे विधि मंत्री ऐसा बिल लाते तो हम उनको धन्यवाद देते।

इसके अतिरिक्त जो आप इस कानून में धारा १५ लाये हैं जिसके अनुसार हिन्दू पद्धति के अनुसार किये हुए किसी भी विवाह को तोड़ा जा सकता है, क्योंकि आपने इस धारा में रिट्रास्पेक्टिव इफेक्ट से रजिस्ट्रेशन का अधिकार दिया हुआ है, आप कहते हैं कि यह अधिकार परमिसिव है। इसमें कहा गया है कि रजिस्ट्रेशन में पत्नी की अनुमति होनी चाहिये। अगर कोई पति अपनी पत्नी को नहीं रखना चाहता है तो इस धारा के आधीन उसको अपनी पत्नी के हस्ताक्षर लेने में और मैरिज को रजिस्टर करवाने में बड़ी आसानी हो जायगी। और उसके पश्चात् यह म्युचअल कंसेंट की बात आ गयी है। म्युचअल कंसेंट से डाइवोर्स देने की बात मेरी समझ में बुरी है और जब हमने पहले यहां पर यह विधेयक पेश किया था तब भी काफी बुरा था लेकिन कौंसिल आफ स्टेट से आने के बाद तो मैं देख रहा हूं कि यह और भी बुरा और आपत्तिजनक हो गया है और आज जो विधेयक अपने वर्त्तमान रूप में हमारे विचारार्थ है वह ठीक उसी प्रकार का है जैसे संस्कृत में एक कहावत है कि :

विनायकं प्रकुर्वाणोरचयामास वानरम् ।

मूर्त्ति तो गणेश जी की बनाने गये, लेकिन मूर्त्ति बन गयी हनुमान जी की । उसी तरह से यह बिल भी एक बिल्कुल दूसरी चीज बन कर हमारे सामने आया है और माडर्न नोशन के मुताबिक उसको और भी ज्यादा प्रगतिशील बनाया गया है और इस विधेयक को अधिक से अधिक प्रगतिशील और माडर्न बनाने के लिए जो एक रेस सी चल रही है उसको देख कर मुझे रामायण की वह कहानी याद आती है जब श्री रामचन्द्र लंका से वापिस आये तो एक बड़ा भोज हुआ था । बंदर लोग जब भोज में बैठे तब किसी ने नींबू का एक बीज ऊपर उड़ाया जिसे देख कर एक बंदर ने कहा कि यह बीज इतना ऊंचा उड़ता है, मैं इससे ज्यादा ऊंचा उड़ सकता हूं और उसने कुदाल मारी । उसकी देखा देखी और बंदर भी कुदाल लगाने लगे, सब बंदरों ने कूदना शुरू कर दिया और जिसका नतीजा यह हुआ कि भोज अलग रखा रह गया ठीक उसी प्रकार इस विधेयक के सम्बन्ध में हमारा तथाकथित प्रगतिशील लोगों का दृष्टिकोण और आचरण रहा है । पहले कहा गया कि डाइवोर्स एंडल्ट्री के बिना पर होगा, दूसरे उनसे और आगे बढ़ गये और कहने लगे कि हम इसके और आगे जाना चाहते हैं कि अगर सात वर्ष से पति की कोई खबर न मिले, तो भी डाइवोर्स हो सकता है । फिर एक ने कहा परस्पर सहमति से मिलना चाहिये और अब तो संशोधन आया है कि बिना सहमति से वैसे ही तलाक मिलना चाहिये । इस तरह हम देखते हैं कि डाइवोर्स के बारे में एक रेस शुरू हुई है कि देखें कौन कितना आगे जा सकता है और क्या कर सकता है । मैं यह बतलाना चाहता हूं कि आपकी इस तथाकथित प्रगतिशीलता के कारण अगर किसी पर अन्याय होने वाला है तो वह स्त्रियों पर होने वाला है क्योंकि यह आप क्यों भूल जाते हैं कि "दे आर मैन मेड लाज" । पुरुषों ने यह सब कानून बनाये हैं और स्त्रियों को बतलाते हैं कि हमने यह कानून आपके फायदे के लिये बनाये हैं लेकिन असल में अगर किसी के साथ अन्याय होने वाला है तो वह स्त्री मात्र के साथ होने वाला है क्योंकि स्त्री कभी अपना घर और पति नहीं छोड़ना चाहती है । उसका बच्चा होता है उसका घर होता है, डाइवोर्स कोई देना चाहता है तो पुरुष देना चाहता है । डाइवोर्स देने के लिये पुरुष उत्सुक रहता है और यह कानून पास करके हम स्त्रियों को बतलाना चाहते हैं कि हम इसके द्वारा आपको एक बड़ा महान अधिकार देने वाले हैं और इन महान् अधिकारों के लिये आप आन्दोलन शुरू कीजिये । मैं तो देहातों में जाता हूं, नीची कौम में डाइवोर्स है, यह डाइवोर्स का फैशन हो चला है लेकिन दरअसल देखा जाय तो बड़ी बड़ी एंडवांस्ड फैमिलीज में भी स्त्रियां डाइवोर्स नहीं देना चाहतीं हैं, वह भी पतिव्रता हैं । डाइवोर्स शब्द देखने में अच्छा लगता है और लेक्चर में इसका पक्ष लेना अच्छा मालूम होता है और इस तरह का कानून ला कर पुरुषों ने स्त्रियों को बताया है कि हम आपके लिये डाइवोर्स का अधिकार म्युचअल कंसेंट पर दिलवाने जा रहे हैं लेकिन मैं चेतावनी देना चाहता हूं कि पुरुष जो अपने घर में एक मुगल और डिक्टेटर के समान होता है, इसलिये म्युचअल कंसेंट यह स्त्रियों की सहमति होने वाली नहीं है और दरअस्ल इससे पुरुष को सहमति का अधिकार मिलने वाला है । मैं कहता हूं कि इसका परिणाम एक ही होने वाला है कि कोई पुरुष अगर अपनी स्त्री से नाराज है और उसको छोड़ देना चाहता है तो उसको इसका अधिकार मिल जायगा । होगा यह कि पहले दोनों अपना विवाह रजिस्टर करा लेंगे और विवाह को रजिस्टर कराने के पश्चात् दोनों जा कर परस्पर सहमति से तलाक देकर मर्द उस बेचारी वृद्ध औरत को छोड़ देगा । यह हक आप इस विवाह विधेयक से देने जा रहे हैं । मैं अपनी बहिनों को बता देना चाहता हूं कि उन्हें इस धोखे में नहीं आना चाहिये और समझना चाहिये कि ये पुरुष जो अपने को बहुत उदार और प्रगतिवादी कहते हैं, "दे वांट टु हैव दी बैस्ट आफ बोथ वर्ल्ड्स" । यह परम्परा और धर्मशास्त्र दोनों के विरुद्ध है । मैं आपको बतलाऊं कि हमारे दक्षिणी हिन्दुस्तान में मामा का विवाह अपनी भांजी के साथ हो सकता है लेकिन आप तो यूरोप के कानूनों में से प्राहिबिटेड

[श्री वी० जी० देशपांडे]

डिग्रीज देख कर बड़े प्रगतिशील बन गये हैं और इतना महान कानून आप यहां पर लाये हैं और कहते हैं कि यह कानून ठीक है, तो मैं पूछता हूं कि यह प्रोहिबिटेड डिग्रीज रख कर आप कौन आदर्श उपस्थित कर रहे हैं ? और जब मामा की भांजी के साथ शादी करने का सवाल आता है तो उसके लिये आपको परम्परा की क्यों याद आती है ? मैं कहता हूं कि जब आप इस तरह से शादी करने जा रहे हैं तो बिल्कुल साहब बन जाइए, यह प्रोहिबिटेड डिग्रीज के चक्कर में क्यों पड़ते हैं । कानून में एक लिस्ट काफी बड़ी सी प्रोहिबिटेड रिलेशनशिप्स की दी हुई है कि उनके बीच में शादी नहीं हो सकती है और इसको आप समझते हैं कि हमने बड़ी प्रगति की है । उसमें लिखा है कि पुरुष किस किस से शादी नहीं कर सकता है । वह अपनी मां से, बाप की विधवा से, मां के बाप की विधवा से और मां की मां से शादी नहीं कर सकता है और इनको रखते हुए आपने इसको बड़ा आदर्श विधेयक बताया है और कहा गया है कि यह प्रोहिबिटेड डिग्रीज बड़ी सिम्पलीफाईड हैं लेकिन वाकया यह नहीं है । "विकाँज मैटर्स आर मेड ट् सिम्पल । इट इज नॉट सो सिम्पल ए थिंग" । यह दावा इनकी ओर से यहां पर किया जाता है कि मनु और याज्ञवल्क्य बहुत एंटीक्वेटेड और कम्प्लीकेटेड चीज दे गये हैं । हमारे आधुनिक युग के मनु और याज्ञवल्क्य बड़ी सिम्पल चीज दे गये हैं कि दादी के साथ शादी न करो, दादी की मां के साथ शादी न करो या बाप की मां के साथ शादी मत करो, इस तरह की प्रोहिबिटेड डिग्रीज यहां पर दी गयी हैं विवाह के बारे में, लेकिन मेरी एक बात समझ में नहीं आती कि डाइवोर्स के क्षेत्र में इतनी लम्बी छूट क्यों दी है ? यदि विवाह के समय इसको कोढ़ हो या इम्पोटेंट हो या और कोई दूसरी वेनरल डिजीज हो इसका सर्टिफिकेट ले न आयें तो वह विवाह नहीं होने देना चाहिये क्योंकि हमारी राय में तो "प्रीवेंशन इज बेटर दैन क्योर" । आपको शादी से पहले ही हर तरह से पार्टी के फिट होने का सार्टिफिकेट लेना चाहिये ताकि डाइवोर्स की नौबत ही न आये....

**एक माननीय सदस्य** : इम्पोटेंसी का टेस्ट कैसे हो ?

**श्री वी० जी० देशपांडे** : यह डाक्टर लोगों का काम है । अब बाहर के लोग आयें और सब जांच करें, इसलिये मैं तो यही कहूंगा कि आप पुराने सीधे सादे विवाह चलाइये । वैसे मैंने इस सम्बन्ध में एक अमेंडमेंट भी दिया है कि इन चीजों का ध्यान रखना चाहिये और इन हालतों में भी विवाह नहीं होना चाहिये ।

आगे चल कर मैं आपसे कहना चाहता हूं कि मैं छोटे छोटे बच्चों का विवाह करने के विरुद्ध हूं । आप कहते हैं कि सोलह साल और अट्ठारह साल की लड़की का स्पेशल मैरिज बिल के अन्तर्गत विवाह होना चाहिये । मैं कहता हूं कि छोटे बच्चों को इतने बड़े प्रयोग में नहीं भेजना चाहिये । मैं कहता हूं कि २१ साल नहीं २५ साल का पुरुष और २५ साल की पत्नी हो, तब विवाह होना चाहिये । एक आदर्श विवाह में पति पत्नी की उम्र में कितना अन्तर होना चाहिये, यह कुछ नहीं दिया है । इसमें तो इस तरह की बातें लिखी गई हैं जैसे कि दादी के साथ शादी नहीं कर सकता है । ७० साल की औरत हो और २१ साल का लड़का हो तो इसके अधीन शादी कर सकते हैं, यह आपका आदर्श विवाह का नमूना है जो आप दुनिया के सामने रख रहे हैं । मैं चाहता हूं कि २५ साल की उम्र जब तक नहीं होती है तब तक उनको अधिकार नहीं देना चाहिये कि वह विवाह करें ।

आगे चल कर मैं थोड़ा ज्वाइन्ट फैमिली प्रापर्टी के सम्बन्ध में कहना चाहता हूं । आप इस एकल कुटुम्ब पद्धति के टुकड़े टुकड़े कर रहे हैं, तो इस सम्बन्ध में मैं यह जरूर चाहूंगा कि जो लोग स्पेशल मैरिज के अन्दर विवाह

करना चाहते हैं उनको ज्वाइंट फैमिली में नहीं रहना चाहिये और न ही उनको ज्वाइंट फैमिली की प्रापर्टी में हिस्सा मिलना चाहिये। हमारी पुरानी परम्परा में इस प्रकार की जो जायदाद होती हैं और सम्पत्ति होती हैं वह धर्म कार्यों के लिये पिता से पुत्र को दी जाती हैं ताकि वह धर्मवत कार्य और आचरण करें, धर्म का संचालन करें, इसके लिये उसको यह सम्पत्ति दी जाती हैं और मैं समझता हूं कि आप जो प्रोग्रेसिव आइडियाज वाले हैं उनको प्राइवेट प्रापर्टी से कोई लगाव भी नहीं होना चाहिये और आशा करनी चाहिये कि आप उसके लिये झगड़ेंगे भी नहीं। आप तो निजी और वैयक्तिक सम्पत्ति को जरूरी चीज मानते नहीं हैं और आप की नजर में यह बड़ी एन्टीक्वेटेड और रीएक्शनरी चीजें हैं इसलिये उसकी आपको परवाह नहीं करनी चाहिये। लेकिन जो आदमी धर्म के अनुसार चलेगा और धार्मिक पद्धति के अनुसार विवाह करेगा उसको उस सम्पत्ति से वंचित न रखा जाय क्योंकि आखिर विवाह भी तो एक धार्मिक कृत्य हैं और पत्नी धर्म का मुख्य सिद्धान्त हैं। इस विवाह से पत्नी का कोई धर्म हो नहीं सकता और आप यदि अपने मन की इच्छा के अनुकूल विवाह करना चाहते हैं तो पहले की जो इनहैरिटेड प्रापर्टी हैं जितनी ज्वाइंट फैमिली प्रापर्टी हैं उसमें आपको कोई हिस्सा नहीं मिलना चाहिये। He should be disinherited अन्त में जब यह क्लाज आयेगा तब मैं इस पर बोलने वाला हूं।

मैं आप से एक ही प्रार्थना करूंगा और वह प्रार्थना यह हैं कि आप के हाथ में कानून बनाने का अधिकार आ गया हैं। जार्ज वाशिंगटन को उसके पिता ने एक फरसा बक्शीश में दिया था। उस ने बागीचे में जा कर जो सब से अच्छा पेड़ था उसी पर कुल्हाड़ी चलाना शुरू कर दिया। इसी तरह से आप ने भी यह सोचा कि कानून बनाने का अधिकार हमारे हाथ में आ गया हैं इसलिये पहले कुल्हाड़ी किस पर चलाई जाय? आप ने सब से पहले हमारी प्राचीन, पवित्र और गम्भीर विवाह संस्था के ऊपर ही कुल्हाड़ी चला दी।

मुझे और भी दुःख होता हैं कि जब हमारे प्रधान मंत्री जी ने वैदेशिक कार्य विभाग पर हुई चर्चा के समय कहा था कि गोआ का विषय तब तक नहीं आयेगा जब तक विशेष विवाह विधेयक स्वीकार नहीं हो जाता हैं। मुझे पता नहीं चला कि इस से गोआ का सम्बन्ध क्या हैं। एक बात तो ठीक हैं कि गोआ का विवाह से इस तरह से सम्बन्ध हैं कि गोआ दहेज में मिला था। शायद इसी कारण आज प्रधान मंत्री विशेष विवाह विधेयक को स्वीकार करना चाहते हैं कि हो सकता हैं कि किसी पोर्चगीज लड़की का हिन्दुस्तान के किसी आदमी से विवाह हो जाय और गोआ दहेज में आ जाय। इसी आशा से कि गोआ दहेज में मिल जाय शायद हमारे प्रधान मंत्री इस बिल को पहले पास करना चाहते हैं। मैं आप से कहना चाहता हूं कि मैं इस तरह से इतने महत्वपूर्ण विषय के साथ मखौल करने के विरुद्ध हूं। हिन्दू धर्म, हिन्दू परम्परा और हिन्दू संस्कृति, मैं हिन्दुओं के बारे में ही नहीं कहता, पृथ्वी की जो संस्कृति हैं, मानवता की जो संस्कृति हैं उस की बुनियाद अगर कोई हैं तो वह पवित्र विवाह संस्कार हैं और हम लोग विवाह को पवित्र संस्कार मानते हैं और जब हम इस को पवित्र संस्कार मानते हैं तो आप इस तरह से इस का मखौल न उड़ाइये। आप बड़े प्रोग्रेसिव बन गये हैं, लेकिन आप इस विवाह पद्धति पर आक्रमण न कीजिये। यहां पर जिस तरह से हिन्दू विवाह विधेयक की चर्चा चल रही हैं और जो कानून बनने जा रहा हैं उस में तो हिन्दू विवाह को माचिस सुलगा कर आग लगाने का काम हो रहा हैं। यह बातें नहीं होनी चाहियें। मैं किसी पार्टी की चर्चा नहीं करता हूं लेकिन इस सम्पूर्ण सदन से कह रहा हूं कि यह जो विशेष विवाह विधेयक आया हैं उसे हम को नहीं स्वीकार करना चाहिये।

इतनी ही मेरी प्रार्थना हैं।

**श्री भागवत झा आजाद** (पूर्निया व संथाल परगना): श्रीमान् सभापति जी, यह प्रसन्नता की बात हैं कि श्री एन० सी० चटर्जी और श्री बी० जी० देशपांडे के बाद मुझे बोलने का अवसर

[श्री भागवत झा आजाद]

मिला । इसलिये कि यह लोग अपने को धर्म का महान् प्रवर्तक समझते हैं ।

**कुछ माननीय सदस्य** : ठेकेदार कहिये ।

**श्री भागवत झा आजाद** : ठेकेदार शब्द का प्रयोग तो मैं नहीं करूंगा क्योंकि वे महान् हैं ।। लेकिन वे अपने को धर्म प्रवर्तक समझते हैं । मैं समझता हूं कि इस हाउस में और भी लोग जो हिन्दू धर्म को मानने वाले हैं वह यह समझते हैं कि अगर वह प्रवर्तक नहीं हैं तो कम से कम इस विद्या के ज्ञानी अवश्य हैं । इन माननीय सदस्यों ने इस प्रकार आरम्भ किया कि इस विवाह विधेयक की कोई आवश्यकता नहीं है, इसलिये कि यह विधेयक हमारी संस्कृति और हमारी सभ्यता पर कुठाराघात है । उन्होंने हिन्दू संस्कृति की महानता और उस की विशालता का जो विवरण हमारे सामने रखा है, उस से कोई भी व्यक्ति जो हिन्दू धर्म को मानने वाला इस हाउस में है सहमत होगा । हम यह मानते हैं कि हमारी संस्कृति महान और विशाल है। हिमालय पहाड़ की चोटी से कन्या कुमारी अंतरीप तक और पंजाब से बंगाल तक गंगा और ब्रह्मपुत्र के बेसिन में यह सभ्यता रही है, इस का कारण यह है कि हमारी संस्कृति ने अपने अन्दर सब धर्मों को समावेश करने की काफी कोशिश की है । श्री एन० सी० चटर्जी हमारे सामने यह पेश करते हैं कि हमारी संस्कृति महान् इसलिये है कि इस के फंडामेन्टल प्रिंसिपल्स, मौलिक सिद्धान्त, बहुत गहरे हैं । मैं भी मानता हूं कि उस के सिद्धान्त बहुत बड़े हैं, लेकिन साथ साथ जब वह इस विधेयक पर अपने विचार प्रकट करते हैं तो भूल जाते हैं कि इस धर्म की संस्कृति की विशेषता यह है कि उस ने समय समय पर अपने में परिवर्तन किया, समाज के अनुसार, देश के अनुसार, वातावरण के अनुसार । हम यह जानते हैं कि खैबर के रास्ते से, हमारे पश्चिमी मार्ग से बहुत सी जातियां हमारे देश में आईं । हमारे यहां हूण आये, शक आये, बहुत सी जातियां आईं । हमारे धर्म की विशेषता यह है कि उस ने यही नहीं कि उन सब धर्मों को अपनाया बल्कि उन तमाम जातियों और उन के धर्मों को अपने अन्दर स्थान दिया । परिणाम यह हुआ कि हमारा धर्म आज भी समय को चुनौती दे कर, अपनी तमाम कठिनाइयों को चुनौती दे कर हमारे समाने खड़ा है । इसलिये आज प्रश्न यह नहीं है कि जहां वे इस बात पर जोर देते हैं कि हमारी संस्कृति महान् है और हमारे फंडामेन्टल प्रिंसिपल्स महान् हैं, उसे हमें छोड़ देना चाहिये । आज हमारे धर्म की महानता इसलिये है कि इस धर्म के अन्दर समय के अनुसार, समय की आवश्यकता के अनुसार परिवर्तन हुआ । इसलिये आज आवश्यकता है कि हम मनु के सिद्धान्तों को ही पकड़े न बैठे रहें, उसी वक्त के फंडामेन्टल प्रिंसिपल्स को हम न लिये रहें । हमारी आवश्यकतायें बदलती रहती हैं और आज इस देश की परिस्थिति की आवश्यकतानुसार हम अपने में परिवर्तन लायें ।

हमारे सामने राम और सीता का आदर्श पेश किया जाता है । ठीक है, राम और सीता हमारे लिये आदर्श नर और नारी हैं । पंडितों के लिये तो नारायण हैं, लेकिन हम मानते हैं कि जिस समय हिन्दू संस्कृति कगार पर खड़ी थी और एक धक्के की राह देख रही थी इस मुल्क में उस समय हमारे सामने राम ने और सीता ने अपना आदर्श रखा । उस समय जो परिस्थिति थी उस में तुलसीदास ने हमारे सामने राम और सीता का आदर्श रखा और इसलिये हम अपनी रक्षा कर सके । लेकिन मैं जानना चाहता हूं अपने पंडितों से कि जिन्होंने राम और सीता का नाम लिया है कि आज की परिस्थिति क्या है ? जिस समय लक्ष्मण से पूछा गया कि तुम इन आभूषणों को पहिचानते हो, तो लक्ष्मण ने उत्तर दिया कि मैं पैर की पैंजनियों को पहिचानता हूं । मैं पूछता हूं कि क्या आज के लक्ष्मण पैर की पैंजनियों को पहिचानेंगे या सर का मनटिका ? प्रश्न यह है कि उस समय में और आज की परिस्थिति में यह फर्क है । क्या कभी आप ने इस के बारे में सोचा है ? उस समय में और आज के समय में बहुत फर्क है । उस समय

एक विवाह था। हम मानते हैं कि यह उस समय का आदर्श था। लेकिन आज हम इस में तलाक.....

**एक माननीय सदस्य** : दशरथ ने कितनी शादियां की थीं ?

**श्री भागवत झा आजाद** : हमारे बन्धु पूछते हैं कि दशरथ ने कितनी शादियां की थीं। यह बात आप दंशपांडे जी से पूछिये।

मेरे कहने का मतलब यह है कि आज यह विशेष विवाह विधेयक इसलिये लाया जा रहा है कि आज की परिस्थिति, आज के देश की आवश्यकता इस बात को मांगती है। इसीलिये हम इस को लाते हैं और पास करते हैं।

श्री चटर्जी ने पूछा कि क्या आप ने एलेक्टोरेट से इस के लिये राय ली है। मैं उन के सामने एक मिसाल रखता हूं। जब पंडित जवाहरलाल नेहरू इलाहाबाद गये थे, उन का कंटेस्ट था प्रभु दत्त ब्रह्मचारी से। प्रभु दत्त ब्रह्मचारी ने कहा था कि मैं अपना कंटेस्ट वापस ले लूंगा अगर पंडित जवाहरलाल नेहरू यह एंश्योरेन्स दें कि वह हिन्दू कोड बिल वापस ले लेंगे। तो हमारे प्रधान मंत्री ने क्या कहा था ?

"All that I can assure is, I will pass this Bill."

Is it not on this mandate that Shri Jawaharlal Nehru has been returned to this House?

आप देख लें कि यह बात सत्य है या नहीं। इसलिये जहां तक यह प्रश्न उठता है कि इस के पीछे एलेक्टोरेट की राय है या नहीं मैं आप को जो मिसाल दे रहा हूं वह इस हाउस के नेता की है। उन्होंने इलाहाबाद में प्रभु दत्त ब्रह्मचारी को इस का जवाब दे दिया था।

हमारे सामने तुलना की हमारे मित्र ने बन्दरों की। हमारे सदन के इस ओर के सब सदस्य इस बात में होड़ लगाये हुए हैं कि कौन बन्दर को कितना जानता है। मैं आप को एक किस्सा सुनाना चाहता हूं। एक सेठ था, उस के पास एक घोड़ा था। उस सेठ के एक मित्र ने उस से घोड़ा मांगा। सेठ ने कहा, "मित्र घोड़ा नहीं है"। मित्र को थोड़ा शक हुआ। वहां मित्र कुछ देर रुक गया। इतने में घोड़ा हिनहिनाया, उस की आवाज मित्र के कान में पड़ी। उस ने कहा, "सेठ, तुम तो कहते थे कि घोड़ा नहीं है, लेकिन वह हिनहिना रहा है"। सेठ ने कहा कि "मित्र तुम ने घोड़े की आवाज तो पहिचानी, लेकिन मेरी आवाज नहीं पहिचानी"। मैं तुलसीदास को पहिचानता हूं, उन की आवाज को पहिचानता हूं, उन के घोड़े की आवाज को नहीं पहिचानता।

इस के बाद मैं कहना चाहता हूं कि उन सदस्यों में और मुझ में यह फर्क है कि वह विवाह को सिर्फ अध्यात्म या धर्म का आधार मानते हैं। मैं मानता हूं और हमारे अधिकांश सदस्य मानते हैं कि विवाह का आधार सिर्फ धार्मिक ही नहीं है, आध्यात्मिक ही नहीं है, उस का आधार पारिवारिक भी है। एक परिवार में दूसरे परिवार की नारी विवाह कर आती है तो उस के कन्धों पर बहुत से बोझ पड़ते हैं। उस परिवार के अन्दर उस की जो पदवी है उस के अनुसार वह विस्तृत मैदान में आती है। वह अपने अन्दर पति और बच्चों की आर्थिक समस्याओं को स्थान देती है। इसलिये यह विवाह आध्यात्मिक है, यह विवाह आर्थिक है, और आध्यात्मिक तथा आर्थिक ही नहीं बल्कि राजनैतिक भी है। पति और पत्नी के जोड़ से बहुत सी राजनैतिक समस्यायें उत्पन्न होती हैं और उस का हम समाधान करते हैं। हमारे विवाह का आधार व्यक्तिगत भी है, सिर्फ धार्मिक नहीं है। हमारे विवाह का आधार बौद्धिक भी है। हम यह नहीं चाहते कि हम एक स्त्री पर इस तरह विवाह का बन्धन लगा दें कि वह दाई की तरह काम करती रहे। अगर हमारे घर में आदमी चाहिये तो हम यह नहीं चाहते कि अपनी सहगामिनी को जो एक तरह से हमसे कमजोर है घर में रख कर उससे सिर्फ काम लें। हम उम्मीद करते हैं कि जो स्त्री हमारी पत्नी या अनुगामिनी बनना चाहती है वह बौद्धिक स्तर पर हमारा साथ दे सके। हमारे विवाह का आधार शारीरिक भी है, बायोलाजीकल

[श्री भागवत झा आजाद]

भी हैं । मैं समझता हूं कि हमारा विवाह का आधार उतना आध्यात्मिक या धार्मिक नहीं हैं जितना कि आर्थिक हैं, राजनैतिक हैं, व्यक्तिगत हैं या शारीरिक और बायोलाजीकल हैं । इसलिये सब से बड़ा डिफरेंस उनमें और हममें यही हैं और इसीलिये वे इस विवाह विधेयक को नहीं समझ सकते हैं और इसीलिये हमारा और उनका विरोध हैं ।

इसके बाद मैं इस विधेयक की तीन चार धाराओं पर अपने विचार प्रकट करना चाहता हूं । इस विधेयक में विवाह के लिये उम्र २१ वर्ष दी हुई हैं । मैं मानता हूं कि जो २५ वर्ष में या इससे ज्यादा अवस्था में शादी करना चाहते हैं उनके लिये कोई रुकावट नहीं हैं । लेकिन इस देश की जो परिस्थिति हैं उसको देखते हुए और कन्याओं की जो रजस्वला होने की उम्र हैं उसको देखते हुए उम्र १८ वर्ष रखी जानी चाहिये लेकिन हम जोर नहीं देते कि वह २१ वर्ष न हो । अगर स्त्री और पुरुष १८ वर्ष के हैं तो उनका विवाह यहां हो सकता हैं । यह विशेष विवाह विधेयक इस बात की इजाजत दें मैं यह चाहता हूं । लेकिन अगर कोई २१ वर्ष से ऊपर हो तो उस विवाह में कोई रुकावट नहीं हैं ।

मैं इस विधेयक में एक और बात का विशेष रूप से विरोध करता हूं । वह यह हैं कि आप इस विधेयक के अनुसार विवाह करने वाले को अपने परिवार से सम्बन्ध विच्छेद करने के लिए मजबूर करते हैं । यानी आप यह चाहते हैं कि अगर किसी लड़के या लड़की को विशेष विवाह करने का अधिकार मिल जाय तो वह अपने परिवार से अलग हो जाय । क्या आप यह चाहते हैं कि अगर कोई स्त्री ऐसा विवाह करे तो वह अपने घर को छोड़ कर सड़क पर आ जाय । इस तरह से आप इस विधेयक में जो अधिकार एक हाथ से देते हैं उसको दूसरे हाथ से ले लेते हैं । आप उसे विवाह का अधिकार देते हैं लेकिन उसे अपने परिवार से सम्बन्ध विच्छेद करने के लिये मजबूर करते हैं । अगर आप इस चीज को कानून में रखना ही चाहते हैं तो आप गार्जियन या पिता को यह अधिकार दें कि वह चाहे तो उसे परिवार में रखे या अलग कर दे । अगर मेरा पुत्र उम्र आने पर विशेष विवाह विधेयक के अनुसार विवाह करता हैं तो यह अधिकार आप मुझे दें कि मैं उसे अपने परिवार में रखूं या न रखूं । लेकिन इस कानून से तो आप उसे मजबूर करते हैं कि वह विवाह करने के बाद अपने परिवार से अलग रहे । इस प्रकार मैं देखता हूं कि अगर आप इस विधेयक द्वारा दो कदम आगे जाते हैं तो चार कदम पीछे जाते हैं । मैं चाहता हूं कि उसको आप इस धारा १६ में अपने परिवार से अलग रहने पर मजबूर न करें । यह अधिकार आप उसके पिता को दें कि अगर वह उसको अपने परिवार में न रखना चाहे तो न रखे । मैं समझता हूं कि इस तरह से किसी को अपने परिवार से अलग रहने के लिए मजबूर करना अन्यायपूर्ण हैं ।

उसके बाद मैं तलाक के प्रश्न पर आता हूं । मैं इसमें एक बात का विरोध करता हूं । वह यह हैं कि आपने जो प्रावीजन दिया हैं कि सहमति से विवाह विच्छेद हो सकता हैं यह अन्यायपूर्ण हैं । वह इसलिये कि आज की देश की अवस्था में, और स्त्रियों की आर्थिक अवस्था को ध्यान में रखते हुए, किसी भी पति के लिये अपनी पत्नी से जोर डाल कर कंसेंट ले लेना आसान हैं । इसका मतलब यह हुआ कि इस विधेयक में आपने जो प्रगतिशीलता की बात की हैं उसको साफ साफ इस धारा से कम कर दिया हैं क्योंकि आप कहते हैं कि पत्नी की सहमति से सम्बन्ध विच्छेद हो सकता हैं । आज समाज में जो स्त्री की स्थिति हैं उसको देखते हुए यह सहमति किसी भी तरह से जोर डाल कर या इकोनामिक सेंक्शन लगा कर ली जा सकती हैं । इसलिये डाइवोर्स बाई कंसेंट का अधिकार दे कर आप इस प्रगतिशीलता पर सबसे बड़ा कुठाराघात करते हैं । इसलिये इस विशेष विवाह विधेयक में जो यह प्रावीजन दिया गया हैं वह गलत हैं और उसको निकाल देना चाहिये ।

इसके अलावा इस विधेयक में और भी धारायें हैं जिन पर मुझे विरोध है लेकिन मैं समझता हूं कि इस अवसर पर मैं अपना विरोध इन्हीं दो धाराओं तक सीमित रखूंगा और जब विभिन्न धाराओं पर बहस होगी तो उन पर मैं अपने विचार प्रकट करूंगा। लेकिन मैं यह कहना चाहता हूं कि मैं इसलिये इस विधेयक का समर्थन करता हूं कि यह आज समय की परिस्थितियों के अनुसार है यद्यपि हम इस विधेयक के द्वारा उतने आगे नहीं जा रहे हैं जितनी कि आवश्यकता है। अगर हम इसके द्वारा कुछ आगे भी जाते हैं तो इन दो क्लाजेज के द्वारा उस प्रगतिशीलता को पीछे ले जाते हैं। परन्तु जब इस सदन में इस विधेयक का विरोध हमारे चटर्जी साहब या दंशपांडे साहब करते हैं तो उनका दृष्टिकोण सोलहवीं शताब्दी का होता है। आज संसार बहुत आगे बढ़ गया है। आज इस बीसवीं सदी में सिर्फ शास्त्रों का हवाला देना तो अन्यायपूर्ण है। यद्यपि यह विधेयक उतना प्रगतिशील नहीं है जितना कि होना चाहिये फिर भी मैं इसका समर्थन करता हूं।

**Shri Bhandari** (Jaipur): The Special Marriage Bill mainly consists of two provisions, one relating to solemnization of marriages and another relating to the registration of marriages.

So far as the solemnization is concerned, I welcome all the provisions thereof, but so far as the registration of marriages is concerned, I have something to say on this important aspect of the Bill.

Chapter III deals with registration of marriages. Clause 15 which begins this chapter deals with registration of marriages celebrated in other forms says:

> "Any marriage celebrated, whether before or after the commencement of this Act, other than a marriage solemnized under the Special Marriage Act, 1872 (III of 1872), or under this Act, may be registered under this Chapter...."

Now a marriage may be registered which may be a valid marriage or which may be an invalid marriage. The effect of this clause is, as I understood the Law Minister, that even an invalid marriage which has not been performed according to the law in force at that time may be registered. The result is this. Suppose two persons live as husband and wife but there is no marriage in law, no marriage according to Hindu law, Mohammedan law or according to the law of the land, still after ten years they may get their marriage registered. They may have offspring or children in this period without any marriage at all. I would submit that a marriage which is not legal, which is invalid which is not a marriage in law is void and it cannot be deemed to be a marriage at all. I would, therefore, submit that if this is the position, the net result is that even though there is no marriage, still there might be children. Now, this, as a matter of fact, is undermining the very institution of marriage, if I may be permitted to say so. The institution of marriage has been existent in society, so that there might not be any offspring or children, where there is no marriage. You are undermining the very foundation of the institution of marriage, if you are permitting two persons to have children without marriage, and yet giving them a chance to have their marriage registered after ten or fifteen or even twenty years, so that the children born to them may be regarded as legitimate children even for that period.

Coming to the registration of valid marriages, there might be a valid marriage according to the Hindu law, the Mohammedan law or the customary law. If it is already a valid marriage, then, what is the purpose of registration of such marriages under this Act? I would submit that the purpose of registration of such marriages is to bring those marriages on a par with the marriage solemnized under this Act, and the consequences enumerated in clauses 19, 20 and 21 of this Bill follow. Those consequences are, I may submit, that there might be a breaking up of the

[Shri Bhandari]

joint family, there might be succession of property under the Indian Succession Act, or there might be judicial separation under this Act, and further, there might be divorce, as provided in clause 27 of this Bill. These are the consequences of the registration of valid marriages. Now no one is going to get his marriage registered under this Act, simply because he wants a disruption of the joint family and he wants to get himself separated, because under the ordinary Hindu law, he has just to give notice, and there is separation from the joint family; so there is no need for him to get his marriage registered under this Act for this purpose. So far as succession under the Indian Succession Act or judicial separation is concerned, I do not think he is going to get his marriage registered under this Act for any of those purposes. Therefore, what is the purpose of getting a marriage registered under this Act? What for are the parties going to get a marriage which is valid in law, which is valid according to the Hindu law, or the Mohammedan law or the customary law, registered under this Act? It can only be with a view to reaping the benefits of the provisions contained in clause 27 of this Bill. Otherwise, there is no necessity. I would humbly submit, for the parties to get the marriage registered under this Act.

Now the only provision relating to divorce, which is creating difficulty and controversy is that relating to divorce by mutual consent. I am not expressing my opinion on this aspect of the case, as to whether divorce by mutual consent is good or bad. It may be good or it may be bad. If it is good, then you can incorporate that provision under the Hindu law, or the Mohammedan law, and you can bring in a bill for that purpose. After all, there is the Hindu Marriage and Divorce Bill, and you can put in a provision there permitting divorce by mutual consent. You can bring also a law relating to Muslim marriages, and say that even in Muslim marriages, divorce by mutual consent is permitted. What is the necessity then that a man must go and get his marriage registered under this Act, for getting divorce by mutual consent?

I would respectfully submit that the provisions relating to registration of marriages are not necessary at all. The registration of valid marriages under this Act can only be with a view to reaping the benefits enumerated in this Bill. The first of these benefits, as I have enumerated earlier, relates to the breaking up of a joint family. That is no benefit at all. So far as succession under the Indian Succession Act is concerned, the parties may like it also, but there is provision for succession under the Hindu law or the Mohammedan law etc. Then, there is judicial separation, for which we are already passing the law. Next comes the question of divorce. If you want to incorporate provisions for divorce under the personal law, you may do it. But why have this provision for registration of valid marriages? So far as invalid marriages are concerned, I have already submitted the position. It is a rather curious thing that in clause 15, it is provided:

> "Any marriage celebrated, whether before or after the commencement of this Act...."

What is the meaning of the term 'any marriage celebrated'? It has not been defined anywhere. Again among the conditions which are to be fulfilled before a marriage can be registered under clause 15 of this Bill, one condition is as follows:

> "a ceremony of marriage has been performed between the parties...."

But we do not know what is the ceremony to be performed. If it is a rite ceremony to be performed under the Hindu law, then it is a valid marriage under the Hindu law. If it is a ceremony which is required to be performed under the customary law, then it is as good as a marriage under the Hindu law. Similarly, if it

is a marriage ceremony to be performed under the Mohammedan law, then also, the marriage is as good as a marriage under the Mohammedan law. We do not know what ceremony is contemplated in clause 15 of this Bill. What is your intention in putting this phrase in this clause? A man may say after ten years, we walked two steps together, that was the ceremony we had ten years back, and we would like to register our marriage now under this Act. Similarly, they may say any such thing and have the marriage registered under this Act. So, have you got any idea as to what ceremony is contemplated? This Bill at least does not say that such and such a ceremony was contemplated under this clause. The result will be this. There might be no ceremony at one time, no marriage at one time, but after ten years, a man may come and say, it is all right, Sir, there had been a marriage ten years before, not according to the Hindu law, not according to the Mohammedan law, not according to any established law, not even according to any established ceremony under customary law, but still there has been a marriage, we would call it a marriage, and therefore, let it be registered now under this Act. Do you contemplate that registration of such a marriage should take place under this clause, without there having been a ceremony of any nature whatsoever? At least, we should have the definition of the sort of ceremony contemplated under this Act.

I would submit that all the provisions relating to the registration of marriages celebrated in other forms are quite new altogether. They did not exist before. Now, we are going to incorporate them in this Bill. But what for are we doing so? What is the special reason for it? What is the basic idea behind it? At least, there must be something behind it. From what we have analysed, we find that this registration can be in respect of valid or invalid marriages. So far as registration of valid marriages are concerned, I would respectfully submit, that there is no necessity for their registration at all under this Act. It can only be with a view to giving the benefits relating to divorce. But then if you incorporate them in the personal law, there ends the whole matter. If it is a question of registration of invalid marriages, I would respectfully submit that it is not a proper course to be followed, because, after all, in India—as we have it—and in other countries also, marriage has got a sanctity, marriage has got a place for itself, and unless there is a marriage, there must not be any children. This is our idea, this is the idea of the whole nation, and this is the idea of other countries in the world. (*An Hon. Member*: Question). Therefore, I submit that registration of invalid marriages should not be permitted under the garb of this Act. Otherwise, what will happen is this. A man and a woman may live together without marriage, have as many children as they like during that period, and after ten years, they will get themselves married under this Act, and after some time, say good-bye also to each other. I do not think that should be the idea in enacting this provision. After a closer analysis, and a meticulous examination of all the provisions of this Act, this is what this provision comes to. So, I do not think the provisions relating to the registration of marriages should have any place whatsoever in this Bill. What could have been achieved by a bare amendment of the ordinary law is sought to be achieved by this dubious method by incorporating a number of provisions for the registration of marriages celebrated in other forms. I think neither the country is ready for it nor has it understood the meaning of the provisions so very carefully, or the effect thereof.

I, therefore, oppose the registration part of the Bill, while supporting the Bill in other respects.

श्री डी० डी० पन्त (जिला अलमोड़ा--उत्तर पूर्व) : जनाब सदर, मैं इस वक्त अंग्रेजी में न बोल कर हिन्दी में बोल रहा हूं क्योंकि विरोधी लोग यह न कह बैठें कि मेरे ऊपर पश्चिम ने बड़ा भारी असर डाला है, इसलिये

[श्री डी० डी० पन्त]

मैं अपनी पूर्वी सभ्यता और मानव सभ्यता को सामने रखता हुआ इस विषय पर हिन्दी में बोलूंगा।

मैंने देखा कि यहां पर जो इतने लोग बोले शायद बहुत कम लोगों ने इस बात के ऊपर सोचा कि आखिर विवाह है क्या चीज। मैं ने श्री एन सी० चटर्जी को कहते सुना कि मैरिज एक बड़ी सैक्रेड चीज है। बहुत लोग यह विश्वास करते हैं कि इसको ईश्वर ने बनाया था और भगवान कृष्ण और रामचन्द्र की बहुत सी बातें करते हैं। मैं समझता हूं कि अगर आप ठंडे दिमाग से सोचें और अपने शास्त्रों के अनुसार यदि सोचें तो आपको इस बात का पता चल जायगा। यदि भागवत को पढ़ें और कृष्ण के बारे में पढ़ें जिनके लिये वह कहते हैं कि हर एक उनका नाम लेता है, उनके बारे में सोचें तो वह समझ जायेंगे कि विवाह की प्रथा कोई ऐसी चीज नहीं है जो कोई बहुत सैक्रेड हो। वह तो मनुष्य की एक जरूरत है और इस कारण यह प्रथा आ गयी। इसे न भगवान ने बनाया था और न यह कहीं स्वर्ग से उतर कर आयी है। हमारे सबसे बड़े ला गिवर जिन्होंने हिन्दुओं के लिये कानून बनाया है, जिनका नाम वेदव्यास है उनके बारे में मैं आपको बतलाऊं कि उनके पिता ने भी कोई विवाह नहीं किया था। मैं नहीं समझता हूं कि मैरिज एक सैक्रामेंटल चीज है, इसमें किसी तरह का कोई बदलाव नहीं होना चाहिये। यह आप लोगों की बिल्कुल गलत धारणा है और इसमें आवश्यक बदलाव और परिवर्त्तन करना जो हमारी सभ्यता है और जो हमारे धर्मशास्त्र हैं, उनके प्रतिकूल नहीं है। विवाह की यही स्थिति क्रिश्चियन मत में है। जो क्रिश्चियन मजहब के कट्टरपंथी हैं जो कि क्रिश्चियन मजहब को समझते हैं वह कहते हैं कि विवाह कोई खास आवश्यकता के तौर पर नहीं है। टाल्स्टाय ने कहा है :

"No man has a right to marry."

मनुष्य को यह हक ही नहीं होना चाहिये कि वह विवाह करे। यह शादी की जो बात चली है यह बहुत बाद में चली है। हमारे कात्यायन ऋषि के समय तक कोई विवाह नहीं होता था। मर्द और औरतें आजाद रहती थीं।

**श्रीमती विजय लक्ष्मी** (जिला लखनऊ—मध्य) : कात्यायन को मरे हुए कितने वर्ष हो गये ?

**श्री डी० डी० पन्त** : मैं समझता हूं कि उन को मरे हुए ७००० वर्ष हो गये।

**श्रीमती विजय लक्ष्मी** : उस के बाद तो एटम बम बन गया।

**श्री डी० डी० पन्त** : मैं कहता हूं कि यह बात ऐसे हो गई कि एक बार कात्यायन ऋषि जब बच्चे थे अपनी मां के साथ राजा के यहां गये थे। वहां एक दूसरे ऋषि ने उन की मां को देखा और उस को फुसला लिया। कात्यायन बेचारे मां के रह गये। जब वह बड़े हो गये तो राजा से जा कर कहा कि यह होना चाहिये कि जब एक स्त्री किसी मर्द से विवाह कर लेगी तो वह दूसरे के साथ विवाह नहीं कर सकती। और उसी के बाद से यह प्रथा आ गई। अगर कात्यायन ऋषि इस प्रथा को न ले आते तो शायद यह प्रथा ही नहीं आती। मैं चाहता हूं कि हमारे मित्र ठंडे दिमाग से इस बात को सोचें। इस पर वैज्ञानिक दृष्टि डालें। आज कल जो जीवन विज्ञान है उस के अनुसार भी यदि सोचा जाय, उस के जो उसूल हैं उन के मुताबिक अगर हम चलें तो मैं नहीं समझता कि कोई विवाह की प्रथा को स्वीकार करेगा। जीवन विज्ञान के अनुसार यह जो स्त्री पुरुष का सम्बन्ध है उस से बच्चे पैदा होते हैं। जीवन विज्ञान कहता है :

"The function of sex is to create variations."

मुझ में कोई खास गुण हैं, मेरी स्त्री में कोई खास गुण हैं, मेरी जो औलाद होगी वह बिल्कुल नई तरह की चीज होगी। मैं समझता हूं कि जिस

समय आदमी दिमाग लगायेगा, रीजन्स के मुताबिक चलेगा तो वह विवाह प्रथा को ही छोड़ देगा। एक पुरुष एक स्त्री से ज्यादा औलाद पैदा ही नहीं करेगा। इस के बाद अगर स्त्री कोई दूसरा बच्चा चाहती है तो वह दूसरे पुरुष के पास जा सकती है और इसी तरह से पुरुष दूसरी स्त्री के पास जा सकता है। इसमें सबसे अधिक variations होंगे।

दूसरी बात यह मैं कहता हूं कि विवाह की जो प्रथा है वह एक हद तक हमारी आजादी को मारती है। शादी हमारी आजादी को कर्टेल करती है। यदि एक स्त्री बच्चा चाहती है तो वह मजबूर है कि एक आदमी की आजन्म गुलाम बनी रहे। अगर वह एक ही बच्चा चाहती है और आदमी के पास नहीं रहना चाहती है तो क्या आवश्यकता है कि उस को उस बन्धन में बंधित रखा जाय ?

यह बात भी है कि समाज में एक विवाह की प्रथा आ गई है और इस के रहते हुए हम जितनी सहायता स्त्री पुरुषों की करना चाहते हैं नहीं कर सकते। मैं समझता हूं कि जितने भी इस बिल में क्लाजेज हैं कोई भी उन में से ऐसा नहीं कि उस पर किसी प्रकार का उज्र हो। लेकिन जैसा मैं ने कहा है कि जब मनुष्य का एक पर्फेक्ट समाज होगा तो उस में विवाह जैसी संस्था ही नहीं रहेगी क्योंकि यह हमारी कमजोरियों की वजह से है। अगर हम विवाह नहीं करते हैं तो अपूर्ण समाज में आपस में लड़ाई हो जायेगी। अगर विवाह की प्रथा आज नहीं रहती है तो जैसे जमीन के पीछे झगड़े हुआ करते हैं उसी तरह से औरतों के पीछे भी झगड़े हुआ करेंगे। इसलिये जिस प्रकार धरती अलग २ बंटी है औरतों को भी अलग अलग रखना अच्छा है। वरना

"सकल भूमि गोपाल की, या में अटक कहा,
जाके मन में अटक है सोई अटक रहा।"

अगर हम लोगों को आजादी की आवश्यकता है तो जितनी आजादी हम दे सकते हों उतनी हम को देनी चाहिये। कहा गया है 'डाइवोर्स बाई कंसेन्ट' यानी राजीनामे से डाइवोर्स नहीं होना चाहिये। मैं कहता हूं कि अगर एक आदमी गलती कर बैठता है और उस को सुधारना चाहता है तो उस को इस का हक होना चाहिये। मान लीजिये कि किसी औरत और मर्द ने शादी करने में गलती कर दी तो आप कहते हैं कि कन्सेन्ट से डाइवोर्स हो ही नहीं सकता, उन को इस का हक ही नहीं है कि अपनी गलती सुधारें। यह इस लिये है कि हम पुराने शास्त्रों के दास बन गये हैं। वह शास्त्र भी तो मनुष्यों के ही लिखे हुए हैं, जिस वक्त देश की जैसी परिस्थिति थी उस समय वैसा ही शास्त्र लिख दिया गया। अष्ट वर्षात भवेत गौरी भी शास्त्र में लिखा है। अगर शास्त्रों के अनुसार आठ आठ वर्ष की लड़कियों की शादी कर दी जाय तो इस से एक बहुत बड़ा अन्धेर हो जायेगा। अगर आप शास्त्र की बात मानते हैं तो दस वर्ष के लड़के की शादी कर दीजिये। आखिर आप ने शारदा एक्ट क्यों पास कर दिया ? यह क्यों कानून बना दिया कि १६ वर्ष से पहले लड़की की शादी नहीं होगी ? शास्त्रों को समय समय पर बदलना चाहिये। यह भी एक शास्त्र है जिसे हम आज कल देश में चला रहे हैं और जिस के अनुसार हम काम कर रहे हैं। तो इन सब बातों को देखते हुए मैं कह सकता हूं कि कोई भी क्लाज इस बिल के अन्दर ऐसा नहीं है जो कि हानिकारक हो। बल्कि मैं समझता हूं कि ऐसा बिल वास्तव में आना चाहिये कि विवाह की कोई आवश्यकता ही न रहे।

11 A.M.

मेरे मित्र ने मुता के बारे में कहा कि मुसलमानों में मुता विवाह होता है। मैं मुहम्मद को मनुष्य समाज का बड़ा भारी जीनियस समझता हूं। उस ने निकाह की जो पद्धति रखी वह इसलिये रखी कि जिस में पुरानी विवाह की प्रथा एक दम हटने से लोग चौंक न जायं। मुता जीवन विज्ञान के अनुसार ठीक विवाह है। आज कल के पति पत्नी एक ही तरह के बच्चे पैदा करते हैं, यह सौन्दर्य शास्त्र के विरुद्ध बात है। एक बार बच्चा हो जाय तो फिर उसी तरह का बच्चा दुबारा क्यों हो। फिर नये तरह का

[श्री डी० डी० पन्त]

बच्चा हो, इसीलिये यह मुता की प्रथा को रखा गया था । आप इस बात को भी देखिये कि मुता जो था वह हर मर्द और औरत को ज्यादा आजादी देता था । एक मर्द एक घंटे के लिये, दो घण्टे के लिए, एक साल के लिये, या पांच साल के लिये शादी कर सकता है उस के बाद अपना बन्धन काट सकता है । अगर विवाह की पुरानी प्रथा न चली होती तो हम देखते कि दुनियां में मुता ही रहता । वैज्ञानिक ढंग से मुता ही सब से अच्छी विवाह की प्रथा है । इसलिये मेरी अर्ज है कि हमें इस पर ध्यान देना चाहिये कि विवाह क्या चीज है, वह किस प्रकार से होता है और उस का हमारी आजादी पर क्या असर होता है । यदि हम इस को समझ जायेंगे तो हम इस प्रकार के बिल का विरोध नहीं करेंगे ।

कुछ लोगों ने कहा कि औरतों को जबर्दस्ती पीट कर आदमी कन्सेन्ट ले लेंगे । मैं कहता हूं कि यह गलत बात है । वह लोग यह नहीं जानते हैं कि औरत आदमी पर कितना असर रखती है । मैं तो समझता हूं कि शायद स्त्री ही जबर्दस्ती कर के कन्सेन्ट ले ले, लेकिन मर्द उस पर हाथ नहीं उठायेगा । यह कहना कि डंडों से आदमी मारकर कंसेन्ट ले लेगा बिल्कुल गलत बात है । मैं खुद विवाहित हूं, मेरे चार बच्चे हैं, मैं जानता हूं कि क्या असली हालत घरों की होती है, और औरत कितना असर रखती है । मैं बिल्कुल आजाद आदमी हूं । एक ओर से तो आप कहते हैं कि मर्द और औरतें बिल्कुल बराबर रहें जो कि हमारे कान्स्टिट्यूशन ने किया है दूसरी ओर आप कहते हैं कि स्त्री आज कमजोर है इसलिये उसे आज हक नहीं दिया जाना चाहिये । जब वह ताकतवर हो जायेगी तब हक दे दिया जायेगा । आज जब वह इतनी बराबर बनती है तो यह क्यों समझती हैं कि अगर कोई मर्द कुर्सी पर बैठा हो और कोई स्त्री आ जाय तो उसे कुर्सी को छोड़ देना चाहिये । एक ओर से बराबर के हक चाहती हैं तो फिर यह प्रिविलिजेज क्यों चाहती हैं । बहरहाल किसी भी पहलू से देखने से मेरी समझ में नहीं आता कि क्यों इस बिल का विरोध हो रहा है । यह कम से कम चीज है जो कि हम आजादी के लिये करवा सकते हैं ।

इसलिये मैं इस का पूरा समर्थन करता हूं और हाउस से अपील करता हूं कि वह जल्दी से इस को पास कर दें ।

**Shri H. N. Mukerjee** (Calcutta North-East): You will believe me when I say that I had no intention of intervening in this debate because I wished this Bill to be put as soon as ever that is possible on the statute-book. But I asked your indulgence and requested permission to speak because I thought I should try and give some kind of an answer to the speech which has been made by my learned friend, Shri N. C. Chatterjee.

I have no pretention to legal learning, and whatever law I imbibed at one time has mercifully slipped off my cranium. But I believe that under cover of legal rigmarole, my friend, Shri Chatterjee, has sought to attack this Bill on grounds which do not stand scrutiny. He has, as we expected of him, referred to the glories of Hindu civilisation and its continuity throughout the ages. Now, I yield to nobody in my admiration for the great achievements of Hindu civilisation, particularly because in my own way I have tried to make a study of that civilisation. But it is very necessary for us from time to time to remind ourselves that longevity is not the same thing as life, and the mere fact that Hindu civilisation has lasted through the millennia is not something which should make us get up at any point of time and say that whatever was said at a particular point of time should be current here and now.

**Pandit K. C. Sharma** (Meerut Distt.—South): Longevity without life is unpopular.

**Shri H. N. Mukerjee:** Personally, Sir, I feel a kind of thrill in my body when I remember my country's past.

Great in the greatness of her adversity, splendid even in the misery and desolation of her age, what cares she for the ephemeral dominance which the mushroom nations of yesterday perk and flaunt before her eyes? I can say that kind of thing; but that is not all. Let us not imagine that we can go on capitalising on this past legacy of our culture. Let us remember that we try in this way to put up a mantle of myth and cover up our ego against the cold blasts of misery and degradation. Let us remember also that Hindu civilisation has lasted through the centuries because of a particular quality of adjustability, because it knew how to adapt itself to changing circumstances, and that is why I say I can, like the very Devil, outquote Mr. Chatterjee in regard to the Hindu Scriptures. But, I would not try to do so. I say that the quality of Hindu civilisation which has made for continuity, namely, its capacity for adjustability, has got to be remembered.

I say this in regard to Mr. Chaterjee's objection as to what he considers to be the principal change incorporated into the Bill by the other House, a change to which he strongly objects, namely, divorce by consent. He says that after all a Hindu marriage is a sacramental marriage and what business has the Legislature to interfere? If two human individuals come together, they marry according to certain rites, recite certain *mantrams*—they are supposed to have understood the purport of all that—and they have entered into what, according to Mr. Chatterjee, is a sacramental marriage. Therefore, the Legislature should not intervene. My answer would be two-fold. In the first place, the Special Marriage Bill is obviously a permissive piece of legislation. There is no compulsion on any Hindu to abjure the sacramental aspect of marriage if he wants to adhere to it. Most of the marriages contracted by Hindus and other people are sure to continue to be peaceful and happy because in normal conditions that is what is to be expected. It is only the marginal cases that we have to take into consideration. It is our responsibility, as legislators, to see to it that the total volume of avoidable unhappiness in our country is minimised as much as that is possible. Therefore, since this Bill is permissive, I do not see how Mr. Chatterjee's objection can apply.

Then again, I say, divorce by consent is extremely necessary for another reason. Mr. Chatterjee has pointed out how English law does not provide for it. Well and good. It is all right that English law does not provide for it. We have taken many remnants from England but it does not mean that we have tried ourselves irrevocably to whatever English jurisprudence says or does not say. Actually, it is the experience of law courts, which Mr. Chatterjee has in great profusion, the English divorce courts, that the procedure for divorce is an open advertisement for and invitation to perjury. There is no doubt about it. There is the well-known case of Professor J. B. S. Haldane, who, at present is in this country lecturing at the Indian Statistical Institute at Calcutta. He has written in the preface to one of his books that in order to get a divorce from his wife—though both agreed that they should have a divorce—he had to go to a hotel, he had to be a party, absolutely against his will, to the manufacturing of perjured evidence in regard to adultery which he did not commit.

**Shri Biswas:** Co-respondent hunting.

**Shri H. N. Mukerjee:** This is a thing which happens under the English law. English law is in many respects so rigid. English law has still so many birthmarks of medievalism about it. Let us not quote English law or any other authority or foreign law in order to show that divorce by consent is a matter which ought not to be introduced in the legislation of this country.

[Shri H. N. Mukerjee]

I also say that we should take every precaution in order to ensure that nothing happens which goes against the main principle, which is the minimisation of unhappiness. I know, Sir, that some amendments have been given notice of and they refer to a period to be specified in this Bill, six months or a year, in which period of time the parties would be called upon by the court to reconsider the whole decision. It is not a simple matter for two people to decide that they are going to have a divorce. It is not a simple matter for two people to come to a court and say that they have agreed on divorce. It must be after considerable cogitation. It is only in exceptional cases, it is only because of extraordinary circumstances that people would come forward with that kind of decision of their own before the courts. Even so, the courts would have to be given the opportunity of calling upon the parties before them to go back again and reconsider the whole situation.

I am not acquainted with all the detailed intricacies of marriage laws in different countries, not even with the marriage law of the Soviet Union. But, I find, from whatever reports I get from time to time, that in the Soviet Union, in the Peoples' Courts, when a divorce matter comes up, the judges and the assessors call the parties together and ask them to go back and reconsider the matter and they try to bring all kinds of persuasive influence to bear upon the two parties so that any kind of disruption in the marital relationship does not happen. We can do so; we can easily provide courts with power to see to it that full and free consideration is given to this matter of mutual consent. I have seen that notice of some amendments has been given. I have heard in this House today that our women are an absolutely helpless quantity. I do not believe that it is a proposition which can be so universally formulated in regard to the women of our country, particularly in regard to that section of our population which, at least in the initial stages, would like to take advantage of the provisions of this Bill. They are not really so helpless as all that. To counter the possibility of helplessness on the part of women, it is necessary for the courts to be armed with certain rights, to go into the question as to whether or not coercion has been exercised in order to secure consent. That being so, I do not see why Mr. Chatterjee can, in reason, object to the provision of divorce by consent, which has been incorporated in this Bill by the other House.

Mr. Chatterjee referred to a speech which the Prime Minister made in the last session and he quoted an extract from the Prime Minister's speech wherein he is purported to have said that certain changes which have been made by the Upper House may have to be reconsidered. I do not know which changes exactly the Prime Minister had in mind when he made a reference to this matter. But, I am sure, as far as divorce by consent is concerned, it was not in the mind of the Prime Minister, because, as far as I know, the Prime Minister is convinced that we should have this kind of progressive legislation. The Prime Minister, in his speech last time which I remember fairly well, tried to point out how there has been in Hindu society a kind of vitality which we ought to bring out creatively. Otherwise, all kinds of social legislation would lead nowhere. I repeat what I said already about Mr. Chatterjee's speech. Let us not take this flattering function to our souls and imagine that because something was said many centuries ago, we can stick to that position over and over again.

In regard to divorce by consent, certain remarks were made in a kind of taste, which I do not happen to share, by my friend, Mr. Deshpande and I wish not to go into details about this kind of thing because it is not fair to our present discussion, because I find many hon. Members of this House come and speak on legislation of this sort without any real kind of serious

mental preparation. They simply get up and say things according to their taste. It is with great respect that I say this. *(Interruption)*.

**Shri V. G. Deshpande:** Sir, a personal reference has been made to me and therefore, I crave your indulgence to make an explanation. I think the hon. Member has not followed what I have said. In fact, I did not refer much to this 'divorce by mutual consent' of which he is taking such a serious view.

**An. Hon. Member:** You did.

**Shri V. G. Deshpande:** No. I referred only to one point that this 'mutual consent' will mean, consent only by the husband and nothing more than that. And, about taste, I think he does not know Hindi language properly. My taste is positively better than his taste because he is trying to destroy the marriage; that is what he is trying to do.

**Mr. Chairman:** There should not be any such personal discussions in the House.

**Shri H. N. Mukerjee:** I heard my hon. friend say that if this Bill becomes law, it would mean encouragement not to monogamy but to polygamy, polyandry and things of that sort. He also went on making certain facetious comments in order to substantiate this. He is welcome and he is entitled to say whatever he has got in his mind. Personally, I feel that this kind of thing can hardly be discussed with the amount of seriousness which is necessary when we inject into the discussion this kind of temper. I would say that distempers of the sort envisaged by the Bill do arise in our society from time to time. I am reminded of what was written by a great English novelist in one of his short stories. He ends up his short story with a dialogue between two people. One said to the other: "Look here, there is one job I don't care for". The other man asked: "Which is that". And the answer was: "God's on Judgment Day". I do not believe either in God or in the concept of Judgment Day, but I do not propose to sit in judgment on the conduct in regard to marital matters of certain of my people, not only of my countrymen, but of people all over the world. These things happen. Human psychology is a matter the depths of which we are not going to discuss with any serious intent at this present moment. But, I say, let us not mock at the ill-fortune of those who suffer from social or personal maladjustment and let us not try to bring forward arguments which are really based upon callous mockery of those maladjustments which happen in society.

I say, Sir, therefore, let us make up our mind in regard to the objectives of this kind of legislation. I repeat what I said earlier. Let us decide that we must make an effort to minimise, if we can, the total volume of unhappiness in our society and I think, if we set about our work seriously, we can bring about certain improvements in this Bill before us and then this Bill, after it has incorporated into itself other necessary adjustments and improvements, can certainly make a contribution towards minimisation of avoidable human suffering in our country.

**श्री राधेलाल व्यास** (उज्जैन) : मैं इस विधेयक के समर्थन में बोलने के लिये उपस्थित हुआ हूं। इस विधेयक के सम्बन्ध में जो बहस हुई है उसके सिलसिले में हिन्दू धर्म और हिन्दू धर्मशास्त्र का काफी प्रयोग किया गया है। मैं समझता हूं कि अगर इस देश को जो कुछ नुकसान हुआ है और उसको क्षति पहुंची है तो वह इस तरह की संकुचित और संकीर्ण विचारधारा ने पहुंचायी है। देश में जो भी धर्मशास्त्र बने थे या जो नियम, उपनियम बने थे वह किसी एक जाति विशेष के लिये, वर्ग विशेष के लिये, बल्कि सारे मानव समाज के लिये बने थे। मनु और याज्ञवलक्य आदि ने जो स्मृतियां बनाई वह केवल हिन्दुस्तान और

[Shri Radhelal Vyas]

यहां के देशवासियों के लिये ही नहीं बनाई थीं, बल्कि वह तो ऐसी बनाई थीं कि उनका हर एक मनुष्य को अनुकरण करना चाहिये। जिस जमाने में वह बनायी गयीं थीं उस जमाने के इतिहास और काल को देखते हुए वह सर्वथा उपयुक्त थीं। यह "हिन्दू" शब्द का प्रयोग विदेशियों ने पहली दफा हिन्दुस्तान में किया है और जैसा कि हमारे मित्र श्री आजाद ने कहा कि "हिन्दू धर्म के प्रवर्त्तक", प्रवर्त्तक तो गलत शब्द होगा, कहना चाहिये कथित समर्थक या रक्षक वह जिस तरह से उस का प्रयोग करते हैं, एक संकुचित और संकीर्ण विचारधारा के अनुसार करते हैं। यह जो धर्म-शास्त्र बने थे, जैसे मैंने बतलाया वह हमारे कांस्टीट्यूशन में जो सिद्धान्त स्वीकार किया गया है कि यूनीफार्म कोड हो, वह एक यूनीफार्म कोड के रूप में कानून बने हुए थे, आज यह जरूरी है कि एक यूनीफार्म कोड बनाया जाये लेकिन उसके लिये अभी समाज में इतना लोक शिक्षण नहीं हुआ है कि उसको लागू किया जा सके। हिन्दुस्तान में इस जनतंत्र के जमाने में लोक शिक्षण के बगैर और मरजी के खिलाफ एक यूनीफार्म कोड बनाया जाये, यह कुछ उचित नहीं था और इस चीज को दृष्टि में रख कर शासन ने विवाह जैसे कार्य के लिये भी एक यूनीफार्म कोड न पास करते हुए एक स्पेशल मैरिज ला रूपी विधेयक को पेश किया है जिससे जो लोग इसको स्वेच्छा से स्वीकार करना चाहें और इसका लाभ उठाना चाहें वे इससे लाभ उठायें। मैं समझता हूं कि विधान में जो एक यूनीफार्म कोड के लिये आदेश दिया गया है उस दिशा में एक कदम है और यह एक ऐसा कानून है जो सारे देश के लोगों को चाहे वह किसी भी जाति के हों उनसे यह सम्बन्धित हो जाता है और आगे चल करके इसमें संशोधन आदि हो कर और इसका रूप बदल कर यही एक यूनीफार्म कोड का रूप धारण कर सकता है।

विवाह के उद्देश्य के बारे में कई माननीय सदस्यों ने अपने विचार प्रकट किये हैं। किसी ने कहा कि इसका आधार सांस्कृतिक है, किसी ने कहा कि आध्यात्मिक है और किसी ने कहा कि इसका आधार भौतिक है लेकिन अगर हम इस पर बारीकी से विचार करें तो कुछ इनके अलावा और भी है और वह यह है कि मनुष्य एक समाज में पैदा हुआ है, वह बगैर सोसाइटी के नहीं रह सकता है और उसको अपने इस जीवन में एक सहयोगी की, साथी की, एक सच्चे मित्र की आवश्यकता होती है जिससे कि वह अपने कार्यों में ठीक सलाह प्राप्त करता रहे और सुख, दुःख में उसे सहायता मिलती रहे और उसको संतोष रहे। इसी कारण एक सच्चे मित्र के नाते यह विवाह पद्धति डाली गयी है। मनुष्य का काफी लम्बा जीवन होता है और उसे एक सच्चे मित्र की बहुत जरूरत रहती है जो कि उसको ठीक सलाह दे सके और ठीक रास्ते पर ले जा सके, उसको गलत रास्ते पर न ले जाये और दुःख सुख में उसका साथी बने, इसलिये एक सच्चे मित्र के नाते ही विवाह पद्धति एक आवश्यक अंग माना गया है और उसी रूप में वह हिन्दुस्तान में हमेशा से लागू रही और आज भी उसी रूप में उसको समझा जाता है, भले ही व्यवहार रूप में कहीं कहीं उसके अपवाद आज हो जायें। अन्यथा इसका मुख्य उद्देश्य यही है और यही कारण है कि विवाह के सम्बन्ध में जो प्रतिज्ञायें की जाती हैं। यह जरूर है कि वह प्रतिज्ञायें आदि आज कल संस्कृत में होती हैं और आज कल संस्कृत पढ़ने वाले बहुत कम रह गये हैं, वह कहते हैं कि धार्मिक पद्धति के अनुसार विवाह सम्पन्न हुआ। संस्कार के समय दुलहा दुलहिन पंडित जो वेद मंत्र उच्चारण करता है वह उसको दुहराते जाते हैं हांलाकि वह उसका अर्थ नहीं समझ पाते हैं, तो भी वह उनको दुहराते जाते हैं अथवा सुनते जाते हैं। विवाह के अवसर पर पति और पत्नी को प्रतिज्ञायें भी लेनी पड़ती हैं कि हम हमेशा जीवन भर साथ रहेंगे, पति प्रतिज्ञा करता है कि मैं तुम्हें कभी नहीं त्यागूंगा और सदा तुम्हारे साथ अच्छा व्यवहार करूंगा और तुम्हें कभी धोखा नहीं दूंगा आदि। इस तरह की प्रतिज्ञायें उस अवसर पर होती हैं लेकिन विवाह के बाद कोई उन प्रतिज्ञाओं को

याद नहीं रखता हैं और आये दिन हम देखते हैं कि उनका उल्लंघन होता रहता हैं। उसको याद नहीं रहता हैं कि उसने विवाह करते समय कौन कौन सी प्रतिज्ञायें की हैं। यह पद्धति विवाह की हमारे यहां चली आ रही हैं। संस्कार के रूप में विवाह होते रहते हैं तो यह उसकी बैकग्राउन्ड हैं। हिन्दू धर्मशास्त्र और पुराने जो कानून चले आ रहे हैं उन्हीं के आधार पर यह पद्धतियां डाली गयी थीं लेकिन मैं कहना चाहता हूं कि आज उनको बने बहुत समय बीत गया हैं और समय का तकाजा हैं कि एक यूनीफार्म कोड बनाया जाये और जनतंत्री सरकार होने के नाते यह उसका फर्ज हो जाता हैं कि वह इस जरूरत को पूरा करे। श्रीमान् जी, आज जब कि एक यूनीफार्म कोड बन रहा हैं, हमारे कुछ भाई जो अपने आप को हिन्दू धर्म का समर्थक कहते हैं उसका विरोध करते हैं तो मुझे बड़ा आश्चर्य होता हैं। हम देखते हैं कि हमारे इस देश में कई लोग आये और लुप्त हो गये। ग्रीक आये, हुण आये, सीथियन आये यहां पर रहे, लेकिन आज उनका कोई भी अस्तित्व नहीं हैं क्योंकि सौभाग्य से हिन्दू धर्म उस वक्त बहुत व्यापक और उदार था, संकीर्ण नहीं था और उसने सबको हज्म किया लेकिन आज हम देखते हैं कि एक जमाना आया जब हमारे हिन्दू समाज में संकीर्णता घुसी और हमारे इन कथित हिन्दू धर्म के रक्षकों और धर्म के ठेकेदारों ने संकीर्ण दृष्टिकोण अपनाया और देश में कितनी ही जातियां पैदा कर दीं और धर्म पैदा कर दिए जिससे हमारे बीच में भेदभाव बढ़ते गये। यह कहा जाता हैं कि मुस्लिम पीरियड में जबर्दस्ती लोग मुसलमान बनाये गये, इसको मैं मानने को तैयार नहीं हूं। कुछ जरूर जबर्दस्ती बनाये गये लेकिन लाखों करोड़ों लोग इस वजह से मुसलमान बन गये कि उन्होंने एक दफा किसी मुसलमान के हाथ का पानी छू लिया और उनके लिये यह समझा गया कि वह लोग जाति से खारिज हो गये और धर्मच्युत हो गये और खेद का विषय हैं कि हमारे हिन्दू समाज ने उनको अपने में से निकाल दिया। इस तरह से लाखों आदमी धर्म का गलत अर्थ समझने के कारण हिन्दू धर्म से अलग हो गये और अपने रिश्तेदारों से अलग हो गये। ऐसी भी मिसालें मौजूद हैं कि जिन्होंने स्वेच्छा से धर्म परिवर्त्तन किया था। वह पुनः हिन्दू धर्म में आना चाहते थे लेकिन यही धर्म के रक्षक और ठेकेदारों ने इस पर आपत्ति की कि एक दफा जो अपना धर्म छोड़ कर दूसरे धर्म में चला गया उसको फिर अपने धर्म में लौट आने का कोई अधिकार नहीं हैं। इस तरह से उन्होंने लाखों व्यक्तियों को पुनः हिन्दू धर्म में प्रविष्ट होने से वंचित किया। और यही कारण हैं कि देश में बड़ी दरारें पड़ीं और अगर आप देखेंगे जो चीज एक छोटी सी चीज के रूप में पचासों साल पहले शुरू हुई थी, उस का यह भयंकर परिणाम हुआ कि देश के टुकड़े हुए और देश आज मजहबों के आधार पर बटा हुआ हैं। अगर किसी कारण से देश की सब से बड़ी क्षति हुई हैं और किस ने उस को पहुंचाया हैं यह आप देखेंगे कि यह धर्म को अपने कहने वाले लोगों और उन के समर्थकों की वजह से हुई हैं। इन चीजों ने देश को काफी नुकसान पहुंचाया हैं इसे हम को भूलना नहीं चाहिये। आज देश के बट जाने के बाद तो इस कानून का स्वागत होना चाहिये अगर हम चाहते हैं कि मानव समाज हमारे देश में सुखी रहे।

इतना कहने के बाद मैं कुछ और बातों का जवाब देना चाहता हूं। हमारे मित्र श्री देशपांडे जी ने प्राहिब्टेड डिग्रीज का मजाक उड़ाया। उस में उन्होंने जो नाम गिनाये वह सभी फर्स्ट शेड्यूल में दिये हुए हैं कि 'माता, पिता की विधवा, माता की माता', यह तीन शब्द उन्होंने पढ़ कर सुनाये। लेकिन हमारे कानून की क्या मंशा हैं ? अगर प्राहिब्टेड डिग्रीज में इन तीन को न बतलायें और दूसरों को बतलायें कि मामा की लड़की, बहन की लड़की और बहन की लड़की की लड़की, इन से शादी नहीं हो सकती तो कैसे काम चल सकता हैं ? प्राहिब्टेड डिग्रीज में तो आप को सभी को बतलाना होगा। आप कहते हैं कि ऐसा कौन हैं जो माता के साथ शादी करेगा, लेकिन ऐसा भी हो सकता हैं। इस समाज में पागल की तरह से काम करने वाले, या अपनी मर्जी के खिलाफ परिस्थितियों से मजबूर हो

[Shri Radhelal Vyas]

कर ऐसा काम करने वाले का अगर एक भी उदाहरण आ जाये या ऐसा उदाहरण आ जाये कि जो माता के साथ बुरा काम करने के लिये तैयार हो जाये, तो उस के लिये इस में गुंजाइश होनी चाहिये या नहीं। प्राहिब्टेड डिग्रीज में माता का नाम न लिखा जाये तो क्या उस को कोई जायज नहीं कह सकता ? इसलिये अगर यह कानून है तो उन सब को भी उस में होना चाहिये। लेकिन जहां प्राहिब्टेड डिग्रीज में २७ स्त्रियों और २७ मर्दों के नाम लिखे हैं वहां उन्होंने केवल २ को पढ़ कर बतला दिया और बाकी को नहीं बतलाया, मैं समझता हूं कि इस तरह से असलियत को छिपा कर हाउस को मुगालते में नहीं डाला जा सकता है।

एक बात इस बिल में जरूर हुई है कि पहले जो बिल पेश हुआ था उस में यह चीज थी कि जो स्पेशल मैरेज करेंगे उन को एडाप्शन का अधिकार नहीं रहेगा। अब जो यह बिल हमारे सामने राज्य सभा से पास हो कर आया है उस में से यह चीज निकाल दी गई है। यह एक चीज हुई है। लेकिन साथ ही बिल्कुल निकाल देने के बजाय इस में यह हो जाता कि 'जो भी इस प्रथा से शादी करेगा उस को एडाप्शन का भी अधिकार रहेगा' तो ज्यादा अच्छा होता। इसलिये कि यह एडाप्शन की प्रथा हमारे यहां रही है और इसका स्वागत हुआ है। मैं आप को यह मिसाल दूं कि हमारे ग्वालियर राज्य में जागीरदारी कानून है और वहां मुसलमान जागीरदारों को भी यह अधिकार देता था कि अगर वह किसी को गोद लेना चाहें तो सरकार की इजाजत से ले सकते हैं, और कई मुसलमान जागीरदारों ने इस कानून का फायदा उठाया और गोद ले कर अपना वारिस मुकर्रर किया। इसी तरह से गोद लेने का अधिकार भी अगर हमारे पीर्सीसव ला में हो तो बड़ा अच्छा हो। यद्यपि उस में किसी के लिये मुमानियत नहीं है और मैं समझता हूं कि हिन्दू समाज ही के लोग इस का फायदा ले सकेंगे, लेकिन साथ में जो स्पेशल मैरेज एक्ट बन रहा है वह सब पर लागू होगा और अगर कोई इस से फायदा उठाना चाहे तो उठा सकता है।

दूसरे धारा ४ में जहां २१ वर्ष की उम्र रखी गई है, मैं समझता हूं कि लड़की की कम से कम १८ वर्ष की उम्र होनी चाहिये और लड़के की कम से कम २१ वर्ष होनी चाहिये। और अगर १८ वर्ष की उम्र हो तो माता या पिता जो उस का संरक्षक हो उस की सम्मति से विवाह हो, यह उस में संशोधन होना चाहिये। इस की बहुत ज्यादा जरूरत है। लेकिन इस के साथ साथ यह संशोधन नहीं होना चाहिये कि लड़की और लड़का दोनों १८ वर्ष के हों तो वह माता पिता की सलाह से हो जाना चाहिये। लड़की की उम्र हमेशा लड़के की उम्र से कम से कम चार साल कम होनी चाहिये। इसलिये जो भी संशोधन सुझाया गया है उस में यह हो कि दोनों की उम्र में फर्क हो लेकिन कम से कम उम्र १८ साल लड़की की होनी चाहिये।

इसी तरह से धारा ४ में जहां लिखा है :

"The parties are not within the degrees of prohibited relationship."

मैं समझता हूं कि धारा १५ में जो प्राविजन हैं उस के अनुसार ही प्राविजन होना चाहिये और वह यह है :

"The Parties are not within the degrees of prohibited relationship, unless the law or any usage having the force of law, governing each of them permits a marriage between the two;"

हमारे यहां कई जगह जैसा कि दंशपांडे जी ने बतलाया प्राहिब्टेड डिग्रीज में विवाह होता है। महाराष्ट्र में जो चीज आज तक प्रचलित है और अच्छी चीज है, उसे भविष्य के लिये हमें बन्द नहीं करना चाहिये। हिन्दू धर्म-शास्त्र में हमेशा यह रहा है कि कानून कुछ भी रहा हो, लेकिन अगर कोई कस्टम बन गया है, रिवाज हो गया है, और समाज ने उसे मान लिया है तो जो रूढ़ि हैं उस को शास्त्र में ज्यादा वजन दिया गया है

हमेशा हिन्दू धर्म-शास्त्र के अनुसार रुढ़ियां पैदा होती रही हैं और कानून बदलते रहे हैं और जिस को सोसायटी ने स्वीकार कर लिया उस को मानने की इजाजत देते रहे। हमारे यहां डाईनेमिक कन्डिशन्स थीं। उसे रोकना और यह कहना कि भविष्य में जहां काफी स्वतंत्रता रिवाजों को मानने में रही हैं वह न होगी यह उचित नहीं हैं। इसलिये १५-ए के अनुसार धारा ४ में संशोधन होना बहुत जरूरी हैं।

धारा ११ डिक्लेरेशन के बारे में हैं। उस में मुझे एक सुझाव रखना है और वह यह है कि हम ने अपने कान्स्टिट्यूशन में खास कर के ओथ रखी हैं। हम यहां संसद् में आते हैं, इस पवित्र कार्य को शुरू करने के पहले, या इस की कार्यवाही में भाग लेने के पहले हम को एक प्रतिज्ञा लेनी होती हैं। धारा सभाओं में जाने के पहले एक प्रतिज्ञा लेनी पड़ती हैं। मिनिस्टर अपने पद पर आ कर के वहां का कार्य प्रारम्भ करने के पहले एक प्रतिज्ञा लेता हैं। तो जहां हमें सारे जीवन भर के लिये अपने एक साथी को चुनना हैं और सोच समझ कर चुनना हैं, १८ साल की उम्र के बाद ही चुनना हैं तो उस में किसी प्रकार की प्रतिज्ञा न ली जाये यह उचित नहीं हैं। इसलिये इस डिक्लेरेशन में एक अच्छी प्रतिज्ञा, जिस को सभी जाति वाले स्वीकार कर सकें और शुरू रोज से जो सब पर लागू हो सके, मजहब वगैरह की बात न आये, लेकिन जो स्वतंत्रता के साथ शपथ के रूप में ली जा सके, सहयोग के साथ बने रहने की प्रतिज्ञा, एक दूसरे के प्रति वफादार रहने की प्रतिज्ञा, या जो भी उचित समझी जाय वैसी प्रतिज्ञा उस में होनी चाहिये। और यही कारण हैं कि जो संस्कार पहले होते थे उन में, चाहे अग्नि के सामने सप्तपदी के रूप में था और किसी प्रकार से, कोई न कोई प्रतिज्ञा होती थी। मैं नहीं जानता कि मुसलमानों में ऐसा होता हैं या नहीं।

**पंडित के० सी० शर्मा** : वहां भी होता हैं।

**श्री राधेलाल व्यास** : मेरे मित्र कहते हैं कि वहां भी होता हैं। हम ने अपने विधान तंक में प्रतिज्ञा लिखी हैं, लेकिन जहां हम इतना बड़ा कार्य करने जा रहे हैं, जीवन में एक साथी को अपनाने जा रहे हैं और उस को निभाने का उद्देश्य हैं, वहां कोई प्रतिज्ञा न हो, यह उचित नहीं हैं। भले ही वह अंग्रेजी कानून में न हो, या किसी और विदेशी कानून में न हो, लेकिन हमारे यहां जो परम्परायें रही हैं और जो विचार रहे हैं उन के रहते हुए इस कानून में कोई न कोई शपथ होना आवश्यक हैं।

इस के पश्चात् दफा १६ में जहां शब्दावली 'ज्वाइंट फैमिली' रखी गई हैं वह भी उचित नहीं हैं। ज्वाइंट फैमिली में अगर एक भाई महज अपना इरादा जाहिर कर दे कि वह संयुक्त परिवार के कुटुम्ब में नहीं रहना चाहता हैं और वह आज से अलग होता हैं, तो वह अपने आप अलाहदा हो जाता हैं। लेकिन जिस कुटुम्ब में सारे कुटुम्बी स्पेशल मैरेज ला के तहत में विवाह करना चाहते हैं अपनी पुत्री का या अपने किसी कोपार्सनर का और वह चाहते हैं कि वह हमारे साथ रहे, तो कानून यह कर देगा कि वह अलग समझा जायेगा। यह उचित नहीं हैं। जब हम यूनिफार्म कोड बनाना चाहते हैं और साथ में चाहते हैं कि समाज के सब लोग उसे स्वीकार करें, स्वेच्छा से उस के नीचे आ जायें तो यह जरूरी हैं कि जो कुटुम्ब उस को अलाहदा नहीं करना चाहता हैं उस के लिये यह आवश्यक नहीं होना चाहिए कि वह यह समझे कि वह संयुक्त परिवार से जुदा हो गया हैं। इसलिये इस में इतना संशोधन होना चाहिये कि :

> "परन्तु यदि कोई परिवार उसकी स्वेच्छा से शादी करे और उस को अपने संयुक्त परिवार का ही सदस्य मानना चाहे तो वहां पर यह लागू नहीं होगा"।

इसके बाद डाइवोर्स बाई म्यूचुअल कंसेंट पर मैं आता हूं। मेरे मित्र श्री भागवत झा ने भी बतलाया कि डाइवोर्स बाई कंसेंट नहीं होना चाहिए नहीं तो बहुत सी गलत कार्यवाहियां होने लगेंगी। हिन्दुस्तान में अभी इतना शिक्षण नहीं हैं, हमारा महिला वर्ग अभी इतना स्वतंत्र नहीं हैं और न इतना शिक्षित हैं कि हमारी स्त्रियां स्वतंत्रतापूर्वक विचार कर सकें। यह

[Shri Radhelal Vyas]

स्थिति अभी पैदा नहीं हुई है। उनको जबरदस्ती से दबाया जा सकता है और उनसे कंसेंट प्राप्त की जा सकती है। इसलिये जरूरी है कि कुछ वर्षों के लिए डाइवोर्स बाई कंसेंट नहीं होना चाहिये।

एक बात यह है कि जब हम उम्र का प्रतिबन्ध रखते हैं कि नाबालिग की शादी न हो और मनुष्य बहुत सोच समझ कर विवाह करे तो फिर उसे यह अधिकार हो कि वह जब चाहे तब शादी को भंग कर दे यह उपयुक्त नहीं मालूम देता है। इससे एक स्थिर समाज बनाने की जो एक कल्पना है उसमें भी विघ्न पड़ सकता है। यह सही है कि कुछ ऐसे अपवाद मिलेंगे कि जिनमें अन्याय होता है लेकिन ऐसे अपवादों के लिए नियम भंग करना उचित नहीं। एक स्वस्थ समाज के निर्माण के लिए यह उचित है कि लोग खूब सोच समझ कर विवाह करें, यह देख कर करें कि लड़के या लड़की का चरित्र कैसा है, स्वभाव कैसा है, खानदान कैसा है। यह सब चीजें देखने के बाद फैसला करना चाहिये और फिर शादी करनी चाहिये और इसके बाद जो प्रतिज्ञा विवाह के समय की जाये उसको जीवन भर निभाना चाहिये। साथ ही डाइवोर्स के और कारण हैं जैसे नपुंसक होना आदि वह ठीक है। उस आधार पर तो डाइवोर्स हो सकता है लेकिन यह म्यूचुअल कंसेंट से तो डाइवोर्स करना किसी भी सूरत में ठीक नहीं है। दूसरे जो इसमें नोटिस का नियम रखा है उससे मुझे विरोध है। कोई आदमी जो दिल्ली में रहता है वह आसाम में जा कर १४ दिन बस जाये और वहां शादी करने की इच्छा करे तो एक नोटिस जारी होगा और उसकी एक प्रतिलिपि यहां के डिस्ट्रिक्ट मजिस्ट्रेट को भेज दी जायेगी और यहां के जिले में भी शाया की जायेगी। लेकिन उसकी मियाद उस दिन से ली जायेगी जिस दिन कि नोटिस वहां चिपकाया गया है तो ऐसी हालत में वह नोटिस निकालना बेकार है। अगर यहां नोटिस लगाना है तो उसकी मियाद उस दिन से गिनी जानी चाहिये जिस दिन कि नोटिस यहां चिपकाया गया है। मैं समझता हूं कि इस पर भी विचार किया जायेगा और इस बिल को संशोधनों के साथ स्वीकार किया जाये। इन शब्दों के साथ मैं आपको धन्यवाद देते हुए अपना स्थान ग्रहण करता हूं।

**Shri S. S. More:** I have very great pleasure in wholeheartedly supporting this measure. I feel that if we are living in mordern times, the conditions under which we should live should also be modern. If, living in mordern conditions, we try to bring something from antiquity, then these two will not reconcile themselves. There will be constant conflict and that conflict will generate some heat and unhappiness. It is accepted by all that under mordern conditions, if there are certain diseases which can be prevented, Government ought to take steps to prevent those diseases. If there are certain deaths due to starvation and other matters which Government can prevent by undertaking certain measures, it is the duty of the Government to prevent such deaths. In the same way, I would say that it applies not only to the diseases of the body but it also applies to the diseases of the mind. Take, for instance, a man who is married, by some accident, by wrong choice, to a lady with whom he cannot carry on smoothly. Does that mean that they should be pinned down to one another in spite of their greatest desire to break away from one another? We are trying to demolish jails but this sort of marriage, unhappy marriage, is a mental jail, the walls of which we must demolish as early as possible.

My friends Mr. Chatterjee and Mr. Deshpande—unfortunately they are not in the House—spoke in a very antiquated strain, and particulary Mr. Chatterjee is very allergic to the word 'revolution.' So I occasionally go to him. Once I was going through the dictionary. I found the word 'revolution' was scratched out from his dictionary. That means that while scratching that word 'revolution' from the dictionary, you can scratch out revolution in the modern conditions of

this country. I do not think so. The revolution is not in the dictionary. The revolution is not in the *srutis*, *smritis*, of which he talks so glibly. It is in the mind, it is in the air. Everybody who is inhaling oxygen is also inhaling revolution, and millions of Chatterjees —I would say so with all my regard for him—and tens of millions of these Deshpandes, if they stand in the way of progress, will be washed away, will be driven away by these rivers of revolution in spate. That is the lesson of history. I was very much shocked that my friend should be so reactionary.

**Shri N. C. Chatterjee:** I was not.

**Shri S. S. More:** He protests; his protest is so feeble hearted that he cannot put his soul into his protest. What is the way of progress of man? He looks to the times. Are we going to say that *Manus*, *Narads*, *Yagneshwaras* and *Jimutavahanas*—all respected names—are going to control our modern life? They lived hundreds and thousands of years back, but as a result of their bony hands, the hands of men of such a stature, is it so difficult that we cannot step up with the modern times and conditions? Whenever I look at Biswas, I must say I find in him the infraction of modern sages. Let us have Biswases! Why should I look at Manu?. What was that Manu? Yesterday, we were discussing the Untouchability (Offences) Bill, Mr. Chatterjee was very proud to say here that he accepted the membership of the Select Committee. But what was the plight, under Manu, of these Harijans? Mr. Chatterjee accepts that untouchability should go, because the untouchables have taken the cudgels, and if Chatterjees and other fellows....

**Some Hon. Members:** And Hon. Members.

**Shri S. S. More:**....and other hon. Members,—I said it in a sporting manner—are like this, it is no use. They are reactionary as far as the public is concerned. But if you go to their own families, if you look into their family conditions, and see how they are brining up their children, you will find they are the most progressive. Their progressiveness is a family affair while their reaction is for world consumption. Some people trade in spurious drugs. They are trading in spurious progressiveness which we are not going to tolerate. Who is Manu?

**Shri Biswas:** It is the heads of families who trade like that; not the younger chaps.

**Shri S. S. More :** I am accepting that, coming as it does, from an old man with the experience of young people. I can say I am very happy to be in the category of Mr. Biswas and Mr. Chatterjee. On occasions, I have fits of reaction but my children prevent me from being reactionary. They are always agitated and say: 'Let us go ahead, let us go ahead.' That is the call of the future generation. That is the call of the growing consciousness of this country.

I was saying whether we are going back from what Manu has said. It might be in the interests—I do not want to harp on any communal string —but it might be very well for the *Brahmins* to take about Manu, because Manu gave them vested interests. Not only that; he gave them the religious sanctity for robbing those who were *sudras*, who were untouchables. I will just quote one verse from Manu. He says that the *Brahmin* may confidently seize the goods of his *sudra* slave, for, as the slave can have no property, his master may take its possession. This is the injunction of Manu which Deshpandes and Chatterjees will worship.

**Shri N. C. Chatterjee:** It is unfair. I never said that Manu should be actually followed in practice today. I only pointed out that Hindu society was never static. It was dynamic; it has progressed from stage to stage, and beyond Manu we have progressed with the recent commentators and later *Nibandhakas*.

**Shri S. S. More:** If our country was full of Chatterjees and Deshpandes, Hindu society would have remained static, but the fact was that Yagnesh-

[Shri S. S. More]

waras and Jimutavahanas— most of them—were revolutionaries, and it is due to them that society has progressed. But my friend has misappropriated their credit for himself. It is absolutely wrong. These Brahmins, these orthodox Brahmins, want to stand by what Manu has said. Just like marriage, which they consider to be sacramental, they consider these rights also to be sacramental. In our part of the country in Maharashtra—I do not know whether such a practice obtains elsewhere—married women are supposed to go to the banyan tree and say: "Well, I worship you." why? "That this husband be given to me for the next seven generations." The man may be ugly, he might have lost one of his eyes, he may be a flat-nosed fellow, but all the same the grip of religion, the vicious, sinister grip of religion on the poor lady's mind is stronger than steel, stronger than any metal that has been invented by modern science. She may not perhaps be able even to look at her husband during day time, yet she has to go to the banyan tree and pray: that this blessed husband be given to her for the next seven generations.

Sir, this country has achieved political independence; we have yet to achieve economic independence. But political independence and economic independence, if they are to be concretised, there should be mental freedom—freedom for all ladies, Harijans and everybody. That is a condition precedent and if we do not have that mental freedom then I would say that with all our best efforts this country will have no bright future. That is why I counsel my friends: "Let us not pay heed to the voice of reaction." The reactionary elements are there; they are antiquated fellows. They are like our archaic monuments. Let us send them to the Archaeological Department and they will be very happy under Maulana Saheb, because he will see that they are properly preserved.

Sir, there is one other point which has raised a storm that is consent divorce. Some of my orthodox friends like Mr. Chatterjee and Mr. Trivedi...

**Shri U. M. Trivedi** (Chittor): I have not spoken; please do not bring me into the picture.

**Shri S. S. More:** But I can anticipate your arguments. They have every faith in consent decrees. Whenever they go to the courts they say that consent decree is the best decree. Why cannot, in the matter of divorce, a consent decree could be a good decree?

Sir, I want to draw your attention...

**Shri U. M. Trivedi:** According to you a woman is equal to money—a saleable commodity.

**Shri S. S. More:** Sir, I feel discouraged when you are engaged otherwise.

Mr. Chatterjee, I know, is a great storehouse of English law. He has said that England has not provided for such divorces. If you are not going to accept what England says in other matters, why do you try to copy England only in reaction? You are seeking precedents of reaction from every country. I think his speech is the best specimen, the best collection, of reactionary arguments.

Take, for instance, conditions in England. There you have private detectives, who have come into the picture. What is their objective? How do they make money?

I am very allergic to this sort of discussion.

**Mr. Chairman:** All this talk is connected with the arguments that are taking place—this is part of it.

**Shri S. S. More:** But that is my weakness.

**Shri Biswas:** I would ask my hon. friends to spare one minute, so that I may tell them what I conveyed to the Chair.

**Mr. Chairman:** I was just enquiring from the Law Minister as to what time he is likely to take, so that I may regulate the debate accordingly. I am sorry the hon. Member should have taken exception to it; of course, I can

realise his weakness, as he himself admitted it.

**Shri S. S. More:** Sir, what is happening in England? Private detective agencies have come into existence. Whenever a husband wants to get a divorce from his wife, he engages some detectives to shadow the wife; whenever the wife is keen on getting a divorce, she engages somebody to shadow her husband. Is that the sort of thing that we are going to copy from England? We have had enough of English culture; we have had enough of English legislation. Now at least let us try to do something original, so that other countries may copy us.

We, lawyers have developed a stereotyped mind—a mind which always gropes in precedents. We are not prepared to take courage in our hands. I think it is the function of this Parliament, like that of the Supreme Court, to deliver original judgments and make new laws. That way only can we go ahead.

With these words, I come to some of the important provisions of this Bill. I would like to bring to the notice of the hon. Law Minister that there is no definition of "adultery" here though it appears in clauses 27 and 34. What is the meaning of adultery?. You as an eminent lawyer know that adultery means intercourse with a woman who is the wife of another person. This is the technical definition of adultery. Does the same definition apply here? Then it would mean that if a husband has intercourse with a widow or with a maiden, who is not the wife of any living person, then that would not be adultery.

**Some Hon. Members:** You are incorrect.

**Shri Tek Chand** (Ambala Simla): You do not know law; that is wrong.

**Shri S. S. More:** It is my weakness not to know much and I accept it. Shri Tek Chand, with all the knowledge that he commands, says I am wrong. I am prepared to accept I am wrong, because he will not commit any mistakes. But these are my own reactions. They might not be as learned as Mr. Trivedi's. But in my own ignorant way I am giving my reactions.

**Shri Biswas:** Do not try to be an expert in adultery.

**Shri S. S. More:** I leave that privilege to you.

I would now like to draw the attention of the House to clause 25 under which a man or woman can claim a marriage to be void under certain conditions. It is stated "Provided that, in the case specified in clause (ii), the court shall not grant a decree unless it is satisfied,—

> (c) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree."

I plead imperfect knowledge of law. But what does this mean?. Has it to be positively proved? It has to be negatively proved. And what is there to be proved? Will there be evidence available? These are very delicate matters, but I am approaching them in a scientific manner. So, I will not be open to the charge of obscenity. Some of these things are difficult to prove. It is easy to allege, but it is difficult to prove. So, a piece of legislation that we pass should not look ridiculous in the eyes of the public.

I agree with my hon. friend, Shri Deshpande that the First Schedule is not a good thing. Let us have a look at these prohibited degrees of relationship. When you concretise certain facts, you are reduced to such a ridiculousness. Take for instance page 16 item 28. A man cannot marry his son's son's son's widow. Let us compute it in an arithmetical manner. Supposing A gets a son at the age of 20 and he gets a son B, A will be 40 when B gets a son, C. Then C also gets a son. He has to marry his widow. I have made a simple calculation that A will be at the age of 80 when he

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could become ripe for marriage or the widow becomes ripe for marriage. It may be legalistic on occasions law is an ass.... (*Interruptions*).

**An Hon. Member:** There is a driver thereof.

**Shri S. S. More:** We do say that law is an ass; but law should not be a fool too, in addition. Let us delete all these things; let us say 'prohibited degree'. What are prohibited degrees? They are matters of judicial decisions and other law books. But if you put all these things in a long list, I think we are reduced to a very ridiculous position. If this legislation is taken up by some foreigner, he would get an impression that in India people are out to marry their grandfather's mother and therefore, the sovereign Parliament was forced to say that you cannot marry that lady. By the time he is ready to marry, she will be in her grave safely!

**Shri Biswas:** You will find similar things in the U.K. Marriage Act: in foreign countries there are precedents...

**Shri S. S. More:** Britisher has gone but we have not yet ceased to be his mental slave (*Interruptions*).

**Shri Biswas:** It is you that are slavish minded.

**Shri S. S. More:** Simply because the United Kingdom has done this, it does not mean that we should copy it, 'i' for 'i' and 't' for 't'.. (*Interruptions*).

**Pandit K. C. Sharma:** All laws are made that way.

**Shri S. S. More:** I do not want to have too much of your indulgence; I might say that all of us on this side barring a few honourable exceptions, whole-heartedly support this measure but it is our grievance that Government is unnecessarily scared by the voice of reaction and is not taking steps in a courageous manner. They should go ahead. We may disagree with them as far as their other programmes are concerned but as far as their social programmes are concerned and their efforts to ameleorate the conditions of the people are concerned, we go entirely with them.

Regarding ladies, Mr. Deshpande was unkind enough to say that the wives will be exploited. He seems to have been married long long ago; looking to our married experience, it is not the ladies who run the risk; it is we rather who run the risk. Therefore, a time will come when you will have to put on the Statute Book some legislation for the protection of the husbands. We are giving modern education to our children but there are certain undesirable things which are invariably the concomitants of the modern conditions. Let them be modern in every respect and let them learn by experience. Experience is the best teacher though a very expensive teacher; but it teaches us things which we never forget. I may again say that we wholeheartedly support this measure. I would further say that Mr. Biswas should take further courage and go forward more and more progressively so that Manus and all our old *rishis* may be forgotten and his name might stand high..... (*Interruptions*).

12 NOON.

**Shrimati Vijaya Lakshmi:** The only reason why I intervene in this debate today is because on the last occasion when discussion on this Bill took place before the House I was absent, and when the Bill is to be discussed clause by clause I shall be absent again, and I would like to support in the strongest terms a Bill which I do not think goes nearly far enough but which is to be welcomed nevertheless as being a step in the direction of implementing our Constitution.

The second reason which has made me rise today is that I feel particularly sad when, in regard to a discussion of this importance, a discussion which relates to human relations, the approach to a Bill which is intended to strengthen society, to help all those people who are not adjusting to the

swiftly changing world in which we live to adjust themselves and make a good contribution to the general pattern of life which we are seeking to create in the country, we find that all sorts of irrelevant matters are introduced into the discussion merely to make it into a laughing matter and have it said that the subject is not important enough to be discussed seriously. That is something which is to be deplored.

I find that whenever any legislation which concerns human relations is brought into this House, then this turn is adopted, and I would like to place on record my voice as protesting against this attitude. Because unless we deal with serious things in a serious manner, unless, as my hon. friend Shri Mukerjee so aptly put it, we make some attempt to minimise the scope of human unhappiness, how are we going to go ahead with all those big schemes and plans which we discuss in this House and which we flaunt before the world? We have to begin with a unit. The unit is the home. And if the home is not strengthened, if society is not strengthened, we cannot hope to implement either our Constitution or to live up to those great dreams that all of us dreamed in the past when we were fighting for the liberty of India.

I do not propose to go into the merits of this Bill clause by clause for the obvious reason that it will be discussed at a later time. My purpose is merely to draw the attention of hon. Members of the House to the fact that we should try as quickly as possible to get through a piece of legislation which is completely harmless—because it cannot be enforced—a piece of legislation which will more than anything else today create a good feeling in the world regarding the way in which India is moving towards her goal. It is all very well to talk about the various freedoms that we require. We talk about having achieved our political freedom, that we are moving on towards the social and economic freedoms. But speeches are not enough. Year after year we postpone measures which are implementations of that pledge which we have made. And unless such small enactments are made we cannot really expect to command the respect that we deserve, because most of us in this country who are progressive minded do hope and do seek to move quickly towards our goal which is a strong society co-operating for the fulfilment of economic, social and political freedom.

There has been some discussion and some controversy on the question of divorce. This is a matter on which I have always felt very strongly, and circumstances which have happened in India in the recent past—and I make no apology at all for referring to them—have strengthened my belief that something has got to be done very early about providing women in India with the means of separation, should they so desire; and men too for the matter of that. And, at the moment, women have to be helped in every way; they do not have either legal support or even the support of society in many cases and therefore, I mention the word women.

No matter how difficult marital life may be, it is very seldom that an average family or a normal woman attempts to break up the home. Anybody who takes his views of western life and culture from the Hollywood movies, is mistaken, because they do not even represent America. Even in America, which today has perhaps the highest incidence of divorce,—nobody deplores that more than I do—you will find that there is a growing awareness of the fact that whilst there must be of course the opportunity for men and women who cannot live together to separate, there must be provisions to safeguard the marriage as far as possible. That is happening everywhere. Especially, in India, where the concept of divorce is foreign to us, it is impossible to think that just because this Bill is passed, tomorrow, every Hindu woman will get up and say, I leave my husband because I disagree with him about the way he drinks coffee in the morn-

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ing or I do not like the shape of his nose. That cannot happen, because, today, we do not even understand the concept of divorce.

This morning, I had a very interesting opportunity of discussing this question with a group of women who had brought a large number of signatures to Parliament. Personally, I do not attach any value to signatures on anything. We want the signatures of the heart, an acceptance of change of hearts. If society would have a changed heart, we want no signatures. The moment one group brings a set of signatures, the next moment you have another group bringing double the number of signatures. I myself have been quite an expert in getting signatures for the Congress, and I know how signatures are obtained. So, they do not carry much weight with me. But, I do want to emphasise this fact and specially draw the attention of these hon. Members who seem to be afraid of divorce, that the first thing that we, who are working for this Bill, have to do is to persuade the women here to understand the concept. It is something foreign to them. They do not know what it means. They are not going to leave their husbands in a hurry. They will suffer innumerable hardships. I think they should not do that. Everything should go as slowly as possible after every other channel has been explored. Nevertheless, it has to be made possible for those men and women who are married and who cannot live together, to become members of a better society and have some one else as spouse as they like. In these days of freedom, we have to give them a certain amount of freedom. If we don't give, it will be taken and a freedom that is taken is always less desirable than the one that is given. I would like to quote for instance the relationship between the sexes in India. Take the suffragette movement in the West. It left a bitter taste; it left a bitter impression and even to day, it is not eradicated entirely. Yet, in India, men and women marched together because of the influence of Mahatma Gandhi, because of his precepts and lessons and we achieved everything that we wanted and here we are sharing a Constitution which gives us complete equality. But, the many pledges within that Constitution have to be fulfilled and I for one would like that we should move together towards the implementation of these pledges because ater all, the provisions of this Bill are going to affect both men and women in this country.

Shri H. N. Mukerjee referred to the Soviet Union. I am not familiar about the Soviet Union. But, I would like to tell the House the experience that I had in China, which was very very interesting. I set out two quite lengthy divorce trials in China and had the whole thing translated to me. And I felt as if I was back in India. The girls in both cases were peasant girls. One had been married at the age of eight and she was now 22 and she was seeking a divorce. The other had been married at twelve or fourteen and then she was about 30 years old. But both had been arranged marriages. In one case it had been a sale; the girl had been sold by the parents to the boy's family. These girls were asking for divorce. In one case there were no children, in the other case there were children. In China in every court there is always one member at least of the Women's Democratic Party, which is an organisation recognised by the Government. A member of this Party always sits in every court to protect the interests of women should the case pertain to women. The minute the arguments were over, this lady was asked to use her influence to bring the two together. And she was given a certain time—I think it was a month or two months, quite a short period. The same thing was done in the other case where there were no children. Some days later I enquired as to what the arguments were that this lady was using to bring that husband and wife

together, and I was surpprised to find that in every case her arguments could not have been better put on the highest moral grounds by anybody following the highest tenets of the Hindu *Shastras*. I mean to say that people who desire society to be built up in the right way, to be strong, that men and women should co-operate fully and make of it a worthwhile progressive thing, must always rely on certain moral stand, and that was the one that was being used in China which everybody has described as a godly state and all the rest of it, in order to preserve the community and society. So, I do not think that we, our women in this country who have been brought up on a certain pattern, who for centuries have been taught to regard their husbands in a certain light, are just going to get up and divorce them because there is an Act permitting us to do so. So, I do hope that hon. Members will look at this as something that is absolutely essential if we are to preserve our entity. We cannot live in this age of progress, in this age of change, and expect India to remain just sheltered and protected from all the passing winds that blow. They are going to affect us. All these waves of evolution and revolution that are passing through the world are going to make their mark here and if we do not accept them in the right way and canalise their force, they will overflow and we shall be the victims of a flood disaster much worse than those in West Bengal and Assam.

And therefore, I would like, while lending my complete support to this, to say that whilst I do hope a number of things will be modified and changed and expanded when the Bill is discussed clause by clause, nevertheless the general acceptance of the Bill will be accorded to it by hon. Members so that we can move forward with the feeling that we are really getting something done by which the common people in this country and the thousands, millions of women who really have no protection whatsoever, can feel that they are protected.

This is not the proper place to inject personalities, but because of the fact that I also have been a victim of the fact that the Hindu woman has no status in law, I refer to this; and if I could have been a victim in the position I held in the public esteem when the public did rise up and oppose certain things that happened in my life, how much more are those poor women all over this country who are deprived of all sorts of legal assistance, how much more are they going to suffer? I am referring now to the inheritance part of the thing, not the divorce part, but the two are inseparably linked together, because when you bring forward this Bill it is going to be a useless thing unless you also link up with it the question of inheritance, because where is the woman going? She cannot go back to her parents in this country. The majority of them have not got the means to take them back. I know of cases which I could name here that would shock people, of men who are considered to be honoured members of society, who have just discarded their wives, sent them back to their parents with three or four children and expected them to look after them, while they marry anew a better and a prettier wife. Now, we have to have these protective measures, and therefore, I hope that side by side with this, there will be some consideration of the aspect of inheritance also.

I would like to commend the Bill strongly to the hon. Members.

**Shrimati Maydeo** (Poona South): I welcome this measure because it is a step towards civil law. When we are required to convince our sisters, they always say, why is the Hindu Code alone taken up, why should it not be civil code. At that time, we can explain to them that this Special Marriage Bill is a step towards civil law, because it has given facility to all the religious communities in this country to marry under this Act. There were some Muslim Members in the Select

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Committee, one of whom said, I would not like my daughter to marry under Muslim law, after this, but I would ask her to marry under the Special Marriage Act, so that she will get all the facilities of this law. We could explain to our sisters, when we go to them, that here we are having a step towards civil law. After this law is passed some days hence, a demand would come from the Muslim sisters themselves that they want a change in their law and then Government can take up that case very easily.

The other thing I would like to point out is that the Bill when it was introduced in the Rajya Sabha was of a very different nature, and it has emerged from it greatly changed, and this has become a little disadvantageous to the society.

The first provision which I would like to mention in this connection is clause 4 (c) on page 3 of the Bill. In the beginning, when the Hindu Code Bill was taken up, the age of marriage was put at fifteen years for the girl, and eighteen years for the boy. In the Select Committee, it was put at eighteen years for the boy as well as the girl. But in the Rajya Sabha, it has been changed to twenty-one. Here also, there are some amendments which seek to raise it to twenty-five. This shows that they only want to pretend that they are giving some facilities to the sisters, while in fact they just want to make it more difficult for them. Supposing at the age of eighteen the girl, who is quite mature, goes to her mother and says, I want to marry under the Special Marriage Act, the mother will have to point out to her, you are not allowed to do so until you are twenty-one, so please wait for three years more. Thus, instead of waiting for three years, the girl may go and celebrate her marriage under the Hindu law. So, it will be difficult for them to take the advantage of the Special Marriage Act, unless we keep the age of marriage to the required limit. So, I feel that eighteen years should be put down as the proper age, and sub-clauses (c) and (d) should be there, as they were in the Bill when it was first introduced in the Rajya Sabha.

The next point I would like to mention is in regard to clause 19 on page 7 of the Bill, which reads:

> "The marriage solemnized under this Act of any member of an undivided family..... shall be deemed to effect his severance from such family."

I do not understand why any boy or girl who wishes to celebrate his or her marriage under the Special Marriage Act should be comeplled to sever from his or her family.

I know that parents themselves wish that their children should marry under the Special Marriage Act, and they love them as dearly as they loved them before. So why should they be asked to sever from their families? Moreover, if a boy marries under the Special Marriage Act, he does not cease to be a son to his father. He can offer *pindas* to his forefathers. So this clause should read like this—that it shall not be deemed to effect his severance from such family and he should be kept as a member of his family as he was.

The other clause I would like to mention is clause 27(k), regarding mutual consent to dissolve the marriage. There appear to be two trends of thought in the House: one is so modern that it appears ridiculous and the other trend is so orthodox that those people wish to pin down the sisters to all the orthodox views. Ordinarily, no man or woman would like to have divorce. What is marriage after all? Marriage is only adjustment and give-and-take. So if we keep such a clause for mutual consent, then it will not be a healthy clause for the society. We should

have legislation only for extreme cases. There must be provision for divorce, but it should not be made so easy as could be taken advantage of very easily. So I feel that sub-clause (k) of clause 27 should be deleted altogether.

There are many other amendments also which have come forth to this Bill, but these are the more important and, therefore, I would like to confine my observations only to these few. With these words, I strongly support the measure and hope that all the Members would vote for it.

**श्रीमती सुभद्रा जोशी** (करनाल) : सभापति महोदय, आज जितनी बात इस बिल के बारे में हो चुकी हैं उसके बाद कुछ कहने की आवश्यक्ता तो मैं नहीं समझती, फिर भी जैसे मिसेज पंडित ने अभी कहा यह मेजर बहुत दूर तो नहीं जाता हैं तो भी चूंकि एक स्टेप हैं जो आगे चलने के लिये हैं, इसलिये हम लोग वेलकम करते हैं और इसको सपोर्ट करते हैं। मेरे कुछ साथियों ने चटर्जी साहब ने और दंशपांडे जी ने इसकी मुखालफत की हैं। मुझे इस बात से खुशी हुई कि मिस्टर चटर्जी कोई बहुत ज्यादा इस बिल के खिलाफ नहीं हैं और उन्होंने कोई खास आर्गुमेंट्स नहीं दिए, उनके बोलने से तो ऐसा मालूम हो रहा था कि अगर हम लोग उनसे रिक्वेस्ट करते तो इसके हक में वह इससे ज्यादा अच्छे एफेक्ट के साथ बोल सकते थे। एक दो चीजों के बारे में दंशपांडे जी ज्यादा साफ थे और उनके कहने से साफ बात मालूम हो सकी कि वह क्या चाहते हैं। दोनों स्पीकर्स ने सैक्रामेंटल मैरिजेज के बारे में कहा और बतलाया कि हमारे यहां शादी का जो रिवाज हैं वह इतना सैक्रेड हैं कि हम जो यह मैरिज रजिस्टर करने की इजाजत दंने जा रहे हैं यह हिन्दू धर्म पर और हिन्दू समाज पर हम बहुत बड़ा आघात करने जा रहे हैं, और इस बात का उन्हें बड़ा रंज हैं। दंशपांडे जी ने यह भी कहा कि इस मोनोगामी से जो बहुपत्नी का रिवाज हैं वह बहुत ज्यादा मुनासिब हैं और उसमें ज्यादा रहम और ज्यादा मनुष्यता पायी जाती हैं। इस बात की मुझ को सचमुच खुशी हैं कि इतनी सफाई से उन्होंने अपनी बात कह दी क्योंकि जब सफाई से बात कही जाती हैं तो वह लोगों की ज्यादा समझ में आती हैं। आज दुबारा मुझ को वह सारी बातें कहना पसन्द नहीं। क्योंकि अगर हम अपनी आंखें बंद कर लें, जो कुछ इस वक्त हमारे यहां होता रहे, जब आंखें बंद करना चाहें बंद कर लें तो कान बंद करने में भी कोई दिक्कत नहीं होती। आज हम लोग पुरानी बातें कह कर, शास्त्रों का नाम ले कर, या धार्मिक पुस्तकों का नाम ले कर, बड़ी बड़ी बातें बनायें और जो एक्चुअल फैक्ट्स हैं हमारे सामने, हमारे समाज में, उन की तरफ न देखें, खासकर हमारे पार्लियामेन्ट के मेम्बर ऐसे हो जायें, तो देश के लिये इस से ज्यादा दुर्भाग्य की बात क्या हो सकती हैं ? दंशपांडे जी ने कहा कि सब को पुराने जमाने में एक ही पत्नी पसन्द थी, जैसा कि श्री रामचन्द्र जी ने किया या सीता जी ने किया। सभापति महोदय, पिछले जमाने में अच्छी बातें भी हैं और बुरी बातें भी हैं। इसी तरह धार्मिक पुस्तकों की बातें हैं। उन को मुझे बहुत ज्यादा पढ़ने का सौभाग्य नहीं मिला हैं पर कुछ न कुछ पढ़ा हैं, कभी कभी पढ़ लेती हूं। तमाम चीजों से ऐसा मालूम हुआ कि उन में ऐसी बातें भी हैं जिन के लिये मैं कह सकती हूं कि हमें बहुत अभिमान हैं और बहुत सी ऐसी बातें भी हुई जिन के लिये हमारा सिर नीचा हैं। जहां श्री राम और सीता के चरित्र से हमारा सिर ऊंचा हैं दुनियां के सामने, वहां द्रौपदी के चीर हरण से हमारा सिर नीचा हैं, अपने लोगों के सामने भी और दुनियां के सामने भी। यह उस वक्त की बात थी जिस वक्त कि श्री कृष्ण महाराज का जमाना था जिन को कि हम भगवान् समझते हैं, उन की आराधना करते हैं। तो इस तरह की पुरानी बातों का जिक्र करना और ऐसा समझना कि हम आज की ओर से अपनी आंखें बन्द कर लें या समाज की आंखों में धूल झोंक दें, यह नहीं हो सकता हैं।

सभापति महोदय, मैं बार बार इस सभा का ध्यान इस तरफ खींचना चाहती हूं कि आज पहला फाइव इअर प्लैन आप ने बनाया और दूसरा बनाने जा रहे हैं, उस में आप ने हजारों स्कूलों का प्राविजन किया कि आप लड़कों को

[Shrimati Subhadra Joshi]

पढ़ायेंगे। स्कूल खोलेंगे, लड़कियों के भी खोलेंगे और लड़कों के भी खोलेंगे। पर आप भी जानते होंगे, मैं भी कभी कभी चली जाती हूं लड़कियों के स्कूलों और कालेजों में, जहां कि लड़कियां काफी संख्या में शिक्षा प्राप्त करती हैं। हम उन को शिक्षा देते हैं और फिर यह चाहते हैं कि जो हमारी लड़कियां पढ़ती हैं, जिन में हम एक स्वाभिमान की झलक पैदा करते हैं वह अच्छा जीवन व्यतीत करें। जब वह लड़की नौजवान होती हैं तो उस हमारी लड़की का फ्यूचर हमारे समाज में और हिन्दुस्तान में क्या है? सभापति महोदय, जिस वक्त मैं फ्यूचर की बात करती हूं उस समय मेरे सामने मिसेज पंडित नहीं हैं जो कि यू० एन० ओ० की मेम्बर हैं, वहां की प्रेजिडेन्ट हैं। या जो हजारों लाखों में से दो, चार, दस, बीस स्त्रियां पार्लियामेन्ट की मेम्बर हो जाती हैं उन का भविष्य मेरे सामने नहीं है। वह यहां पर पहुंच गई हैं, न मालूम कैसे पहुंच गई हैं। Mrs. Pandit is there not because of us but in spite of us. यह तो एक इत्तफाक की बात हो गई है। मैं हिन्दुस्तान में रहने वाली उन स्त्रियों और अपनी कन्याओं के वर्तमान और भविष्य की बात कहती हूं, उन बहनों की बात करती हूं जो हमारे घरों में हैं क्योंकि स्त्री का जो कार्य क्षेत्र है, चाहे आप उसे लड़ाई का मैदान ही समझिये, वह हमारे घरों में ही है। जो पहले सैक्रेड मैरेज हुआ करती थीं उन की बात नहीं करती हूं, जो आज की सैक्रेड मैरेज होती हैं उन की बात कहती हूं, मैं ने पहले भी इस सभा के सामने जिक्र किया कि जो शादियां आप के चारों तरफ हुईं, चाहे सप्तपदी से हुईं या किसी भी तरह से हुईं, उन बहिनों में से मेरे पास अनगिनत बहिनें आती हैं। इस का आज भी जिक्र करना चाहती हूं। अभी हाल में, आजकल में, पांच, छः केसेज मेरे पास ऐसे आए हैं। एक भाई ने अग्नि के चारों तरफ शादी कर के, जिस आदमी को स्त्री देवता समझती थी। उसने उस स्त्री को छत पर से फेंक दिया जिसका मुकदमा दिल्ली कोर्ट्स में चल रहा है। एक दूसरे भाई ने शादी की, अग्नि देव के चारों तरफ घूम कर शादी की। अब मैं एक उस घर का जिक्र कर रही हूं जिस का रिवाज है कि उस घर की हर जेठानी देवरानी जो आती है वह कुएं में गिर कर मर जाती है। तो उस भाई की स्त्री कुएं में गिर कर मरी है। एक तीसरे घर का मैं जिक्र करती हूं। करोलबाग में आज एक औरत पिछले दो महीने से दरवाजे पर बैठी है और कहती है कि मैं अपना घर छोड़ कर नहीं जाऊंगी, यहां ही मरूंगी। मोहल्ले वाले बार बार उठा कर उस को दरवाजे के भीतर बिठा देते हैं और वह बार बार निकाल दी जाती है। अभी हाल में उसे जहर दे दिया गया, वह अस्पताल पहुंचाई गई, और फिर अच्छी हो कर घर पहुंच गई। वह अब भी इन्कार कर रही है कि मैं घर छोड़ कर नहीं जाऊंगी, आखिर मैं कहां जाऊं? आजकल भी इस तरह की चीजें की जाती हैं। यह दो चार मिसालें वह हैं जो इतनी ग्लेअरिंग हैं जो कि मोहल्ले में फैल गई, घर घर में फैल गई और अखबारों में फैल गई। लेकिन ऐसे ही अनगिनत केसेज रोज होते रहते हैं। तो जिन लड़कियों को आज आप पढ़ाते हैं, मैं उन के फ्यूचर की बात आप से कहती हूं। आप फाइव इअर प्लैन में अनगिनत स्कूल खोल दें लेकिन मैं कहती हूं कि अगर आप इस सोशल मेजर से आगे नहीं बढ़ना चाहते हैं तो स्कूल खोलने के बजाये आप यहां एक गिलोटिन बना दीजिये जहां पर कि लड़कियां रोज रोज आ कर मरा करें। जब लड़कियों की स्वतंत्रता की बात आती है तो मैं आप से पूछती हूं कि आज सैक्रेमेन्टल मैरेज में क्या बात होती है? इस में लड़कियों के गुण की बात नहीं, लड़कियों की पढ़ाई की बात नहीं, या इस तरह की और कोई बात नहीं। सब से पहले उस को देखने चले आ रहे हैं। आज जो तरीका शादी का है उस में सब से पहले देखा जाता है कि उस की नाक कैसी है, उस का मुंह कैसा है, उस का यह कैसा है, वह कैसा है। उस के मुंह को ही देखने का सवाल नहीं है। यह सब देखने के बाद देखा जाता है कि कपड़ा क्या मिलेगा, बाप के पास पैसा कितना है, और कितना पैसा दहेज में दिया जायेगा,

जब यह सब बातें तय हो जाती हैं तब सैक्रेड मैरेज होती है। और कितने दिन तक यह सैक्रेड मैरेज रहती है यह भी मैं आप को बताती हूं। मैं उन बहनों की बात कर रही हूं जो कहती हैं कि इस शादी के बाद मैं पति के साथ रही, लेकिन वह मेरे साथ बात नहीं करता। वह स्त्रियां मेरे पास आती हैं। कोई बहन आ कर कहती है कि मेरे पति ने मुझ को छोड़ दिया। मैं बहिनों को भेजती हूं जो जा कर पूछती हैं कि भाई क्यों छोड़ दिया तो कोई कहता है कि मैं ने इस को इसलिये छोड़ दिया कि यह काली है, कोई कहता है कि इस लिये छोड़ दिया कि दहेज काफी नहीं दिया गया था। कोई कहता है कि इस लिये छोड़ दिया कि बच्चा नहीं होता था, कोई कहता है कि इस लिये छोड़ दिया कि लड़कियां ही लड़कियां होती थीं। कोई कहता है कि कारण कुछ भी नहीं है, कोई बुराई इस में नहीं है, पर बहन जी, जिस दिन से शादी हुई है उसी दिन से वह मेरे मन से उतर गई। यह फैक्ट्स हैं। नहीं मालूम शास्त्रों में क्या लिखा था। मैं आप से कहती हूं कि इन किताबों को कोट कर के अगर आज आप समाज की तरफ से मेरी आखें बन्द करना चाहें, मेरी आंखों में धूल झोंकना चाहें, तो मैं इस के लिये तैयार नहीं हूं। इस के बावजूद मुझ को नजर आता है और मैं चाहती हूं कि इन बहनों के लिये कोई रास्ता अख्त्यार किया जाए।

जो बातें चटर्जी साहब ने इस बिल के खिलाफ कहीं, वही बातें इस के हक में जाती हैं। उन्होंने कहा कि सैक्रेड शादी को रजिस्टर करने की बात को वह नामुनासिब समझते हैं क्योंकि sacred marriage में स्त्रियां जानती हैं कि सब कुछ यों ही रहना है, कहीं जा नहीं सकते हैं, जो कुछ भी हो जाये वह परमनेन्ट है। मैं पूछती हूं कि एक आदमी को दूसरे आदमी पर, एक इन्सान को दूसरे इन्सान की जिन्दगी पर ऐसी पावर्स दे देना, एबसोल्यूट पावर दे देना, कहां तक मानवता के साथ जाता है? आज जब लेबर और कैपिटल की बात होती है, वैसे तो वह पुरानी बात है, और कोई इस का साथ आज कल नहीं देता, पर मैं एक बात जानती हूं कि एक गरीब मजदूर को मालिक के हाथ में दे दिया जाए, और अगर उस के पीछे हुकूमत का पक्ष न हो, कानून उस के लिये न हो, फैक्ट्री इन्स्पेक्टर्स और लेबर संगठन या लेबर मिनिस्टर्स न हों तो उस गरीब आदमी को कितना एक्स्प्लायट किया जा सकता है यह आप जानते हैं। उसी तरह से जब एक इन्सान का दूसरे इन्सान पर, जो कि एक औरत है, पूरा अख्त्यार दे दिया जाए तो वह पता नहीं कितनी बातों में एक्स्प्लायट कर सकता है। अगर उस की तरफ हम हर तरह से तवज्जह न दें तो मैं कहती हूं कि यह इस देश के लिये बड़े दुर्भाग्य की बात होगी। अगर आज के जमाने में समाज के साथ आजकल के लोगों के साथ और इन्सानियत के साथ ज्यादती होती है, एक आदमी को दूसरे आदमी के ऊपर इस तरह से एबसोल्यूट पावर दे दी जाए तो यह कहां तक इन्सानियत की बात हो सकती है वह हम को समझना है।

एक और बात आज बार बार कही गई। चटर्जी साहब ने कहा कि मुसलमान भी इस बिल के विरोध में हैं। इस से मुझे कुछ ताज्जुब नहीं हुआ। पर मुझ को यह भी मालूम है कि सेलेक्ट कमेटी में कुछ हमारे मुसलमान भाइयों ने कहा था कि हम भी इस से फायदा उठा सकेंगे क्योंकि इस में मोनोगेमी क्लाज एक है जो चीज कि हमारे यहां नहीं है। उन्होंने कहा कि यह जो सोशल कस्टम और पर्सनल ला की बात है उस को पहले क्लाज में भी लिख दिया जाए ताकि इस से हम भी फायदा उठा सकें। फिर भी ऐसे भी मुसलमान हैं जो इसके खिलाफ हैं। वह चटर्जी साहब के साथ हैं। they are flying together क्योंकि वह एक विचारधारा है जो कि सिर्फ एक मजहब के लोगों में ही नहीं है। वह हिन्दुओं में भी हैं, मुसलमानों में भी हैं और ईसाइयों में भी हैं, और उस विचारधारा के जो लोग हैं वे हर मामले में एक ही रहते हैं। चाहे वह हिन्दुस्तान के टुकड़े करने की बात हो, चाहे दोनों मुलकों में फिसाद खड़ा करने की बात हो, चाहे मुल्क को पीछे ले जाने की बात हो, वह

[Shrimati Subhadra Joshi]

विचारधारा हर मजहब के लोगों में मौजूद हैं। इसी तरह से हमारे इस कानून के बहुत से लोग खिलाफ हैं। इस तरह के आदमी मुसलमानों में भी मौजूद हैं मुझे इससे इन्कार नहीं है।

अब आखिर में मैं एक चीज कहना चाहती हूं। वह यह है कि हम चाहे कितने ही कानून बना दें आज हम उनका पूरा फायदा नहीं उठा सकते क्योंकि जैसा कि चटर्जी साहब ने कहा कि इस वक्त स्त्रियों को कोई इकानोमिक फ्रीडम नहीं है। जायदाद में उनका कोई अधिकार नहीं है। हमारे चटर्जी साहब कहते हैं कि ऐसी हालत में उनको डाइवोर्स का अधिकार दे देना उन पर ज्यादती की बात होगी। लेकिन मैं इसको ज्यादती नहीं समझती। पहले तो इन्सान को इन्सान होना जरूरी है। प्रापर्टी बाद में आती है। मैं प्रापर्टी पर अधिकार लेकर क्या करूंगी जब कि मुझे अपने आप पर अधिकार नहीं है। इस वक्त तो मुझे इन्सानों में ही नहीं समझा जाता। तो मुझे कितनी भी प्रापर्टी दे दो, दहेज दे दो, कपड़ा दे दो, जब तक इन्सान को इन्सान नहीं समझा जाएगा तब तक किसी को आप जेवरों से या जायदाद से लाद दें तो वह उसके किस काम के हैं। फिर भी मैं एक चीज के लिए आपसे कहूंगी कि एक स्त्री जिसके पास आज कोई आमदनी नहीं है, जो कमाती नहीं है, जिसका जायदाद में कोई अधिकार नहीं है, अगर आप उसके लिए कानून पास करना चाहते हैं तो जरूर करें लेकिन उसको लगवाने के लिए, सरकार को वकील का और कोर्ट के खर्चे का सारा इंतिजाम मुफ्त में करना चाहिए। हमारे इस बिल में एक प्रावीजन है कि अगर कोर्ट चाहे और यह समझे कि स्त्री की अपनी कोई आमदनी नहीं है या उसके लिए कोई मदद नहीं है तो वह चाहे तो उसके पति की आमदनी में से खर्चा देने का आर्डर कर सकती है। मैं समझती हूं कि पति की आमदनी में से देने के बजाय अगर हुकूमत खुद इसका प्रबन्ध करे तो वह स्त्रियों के लिए ज्यादा मुनासिब साबित हो सकता है। क्योंकि इसमें यह देखना होगा कि पति की आमदनी कितनी है उसमें से कितना खर्चा दिया जा सकता है, क्या उतने रुपये से मुकदमा चल सकेगा या नहीं। उसके बाद अगर डाइवोर्स न हुआ और अदालत ने स्त्री के खिलाफ फैसला दे दिया तो उस हालत में बाद में यह चीज उसकी जान को बवाल बनी रहेगी कि उसने पति की आमदनी में से खर्चा लिया। अगर कोई दूसरा आदमी उसकी मदद करता है तो यह कहा जाएगा कि पैसा देकर डाइवोर्स करवाना चाहते हैं। इसलिए यह बहुत जरूरी है कि इस मामले में सरकार स्त्रियों के लिए कोई ऐसा इन्तिजाम करे कि जिससे उनकी तरफ से यह कानून लाग् किया जा सके। इस वक्त और भी कितने ही कानून हैं जिनसे स्त्रियों की मदद हो सकती है लेकिन वकील के लिए और अदालत में पैसा खर्च करने के लिए न होने की वजह से वह उसका फायदा नहीं उठा सकतीं। इसलिए मैं चाहती हूं कि ये चन्द चीजें जोड़कर इस कानून को जल्द से जल्द पास कर दिया जाए। और जैसा कि श्रीमती पंडित ने कहा कि यद्यपि यह कानून हमको उतना आगे नहीं ले जाता जितना कि इसे हमें ले जाना चाहिए लेकिन चूंकि यह एक सही कदम है मैं इसको वैलकम करती हूं और इसको सपोर्ट करती हूं।

**Mr. Chairman:** Thirty-five minutes are left and the hon. Law Minister is likely to take up half an hour for his reply. I do not think I am justified in calling anybody else to speak. I, therefore, request the hon. Law Minister to kindly reply to the debate.

**Shri Biswas** *rose*—

**Mr. Chairman:** There are five minutes left.

**Shri Jhunjhunwala** (Bhagalpur Central): I had requested only for five minutes

**Mr. Chairman:** Nobody requested me for five minutes. At the same time, I do not think it will be possible for any Member to deal with the subject within five minutes. Therefore, I have called upon the hon. Minister.

**Shri U. M. Trivedi:** With due deference, I would like to have some time to speak.

**Shri Jhunjhunwala:** We can have the reply tomorrow.

**Mr. Chairman:** It is not possible, because Mr. Speaker has already remarked that this will be finished today. Even on the last occasion, when this Bill was discussed, he gave the House the undertaking that it must be finished today. So, it must be finished today, but if the hon. Minister agrees to talk for 25 minutes only, I can call on other Members to speak.

**Shri Biswas:** I shall abide by the directions of the Chair. So far as I am personally concerned, if the hon. Members wish to speak for another half an hour, I do not mind deferring my reply till tomorrow if necessary, subject to your consent.

**Mr. Chairman:** We must finish it today. If the hon. Minister agrees to take, say, 25 minutes, then I can call another Member.

**Shri Biswas:** I agree.

**Mr. Chairman:** Yes, Mr. U. M. Trivedi. You may speak for not more than ten minutes.

**Shri U. M. Trivedi:** I shall be as brief as possible, and I promise not to take more than ten minutes.

I would not have ordinarily risen to take part in this debate at this stage but for the fact that some people have got fossilised ideas. I say fossilised in the sense that after reading books from various sources, they develop a particular pattern and they cannot get out of that pattern of ideas. That which is written in that book or that which they have conceived is the only thing progressive in this world and is the only thing which they can call progressive. The rest is reactionary. However reactionary or renegade they may be, they consider themselves progressive. It is with this little preamble that I rise to speak on this Bill.

Mr. Chatterjee has given a very good resume about this law but we have not cared to listen to it. The other sobar speech that we heard today in support of this Bill came from Shrimati Vijaya Lakshmi. We appreciate it, but at the same time, we cannot appreciate this desire on the part of certain Members to have the marriage relations in our society, between Hindus and Hindus, put down to the level of mere monetary considerations, mere goods, mere chattels. It is this conception which does not, or should not exist in our society. To Hindus, a woman was never a chattel; she is not a chattel today and she will never remain a chattel at any time to come. It is this conception of reducing a woman to the state of chattel which we do not like. It is true, and the hon. Minister has agreed, that he has put down this schedule by copying it from the United Kingdom schedule. I say it is not merely a schedule which he has copied but he has copied the whole law from there. Where does the necessity arise for making this law, Special Marriage Bill, applicable to the Hindus? We are having another law which is just following in the wake of this Bill, and we call it, the Hindu Marriage and Divorce Bill. How has the necessity arisen today to incorporate the very terms of that Bill into this Bill? We cannot understand it. We cannot follow the logic of it.

A point was made that we are being looked upon, as several other nations do look upon us, as progressive, and to get that certificate of being called progressive, to obtain that certificate of international fame—of being called progressive—we want to give up all that is dear to us, dear not only to us, dear to the community at large. We forget the ordinary principles of evolution and the development of higher morals. In England, society has so well developed that people like to tell the truth: people do not hesitate to tell the truth. Here, unfortunately, due to years of slavery under the British and the Mohammadens we take pride in doing things which nobody who sets a high standard of

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morals would do. We had however, a particular type of evolution going on in marriage sacraments. Among the lower strata of our society divorce was in vogue, even without the interference by the courts. Ordinary *panchayats* could sanction divorce, and hundreds of divorces were taking place. There were also remarriages. Nobody objected to them. But women belonging to the higher strata of society refused to seek divorce or remarriage, and following their examples divorce was being given up by women of the lower strata of society, because they too wanted to set before them higher moral standards. Society was evolving in this way. It is that desire to reach a higher moral plane that is the keynote of any progressive society. We are going to completely forget that idea. We are going to degrade ourselves, because certain other nations have chosen to degrade themsleves. They may attempt to evolve. But we must go back a hundred years.

This measure which you are trying to put on the statute book I consider to be a renegade and retrogressive one.

One lady Member, Mrs. Subhadra Joshi, in her speech cited certain examples. The first thing that struck me like the saying of the late revered Dr. Syama Prasad Mookerjee: "India, that is Bharat, that is U.P.", according to this Member, India that is Bharat, that is Delhi. She cited some examples of Delhi and made it appear as though it applied to the whole of India. Miss Katherine Mayo took pains to find out only the bad things in us. Like a gutter inspector she could observe the bad practices among us. Mrs. Joshi has also cited a few instances of women being ill-treated by their husbands in Delhi. But, on the other hand, there are many examples of women living happily with their husbands. Kasturba was not an educated lady, yet she led the life of the wife of a saint, the greatest man of our counrty. Everywhere, with all of us, we have got good wives. What is there to complain about?

**Shrimati Renu Chakravartty:** Does the hon. Member contend that educated women do not live happily with their husbands?

**Shri U. M. Trivedi:** If education is meant only for giving up husbands, then I do not like that education at all.

**Shri Biswas:** The hon. Member's time is up.

**Shri U. M. Trivedi:** I wanted to have a little more time. But as I will have an opportunity to speak when we take up the clauses, I do not wish to take the time of the House any longer.

**Shri Biswas:** Mr. Chairman, I feel that I am not called upon to speak at very great length. This Bill has been under discussion for quite a long time; we had three days during the last session and we have had nearly one whole day, today. I am glad to find, notwithstanding friends like Mr. Chatterjee, Mr. Deshpande and one or two others, that there is a general measure of support. My only regret is that in making their criticisms my hon. friends had not always kept in view the scope and object of this Bill and had not a realistic view of this Bill as compared to those which it seeks to replace.

There was first of all, the original Special Marriage Act of 1872 as enacted in that year. Then came the amendment of Sir Hari Singh Gour in 1923 and now comes the present Bill which marks, as I had occasion to point out when I was moving this motion last session, a definite and a very important departure from the previous Bill as amended in 1923.

Under the Act as it stood in 1872, marriages were permitted only between "persons neither of whom professed the Christian or the Jewish or the Hindu or the Mohemmadan or the Parsi or the Buddhist or the Sikh or the Jaina religion or between persons each of whom professed....." Then came the amendment of 1923 which added, in addition to the above, "or

between persons each of whom professed one or the other of the above religions....." That is to say "between Hindu, Buddhist, Sikh, etc....."

In other words, the position was this. Under the 1872 Act, those who married under it had to say that they did not —neither of the parties— belonged to any of the specified religions, that is to say had no personal laws of their own. If you had a personal law which governed you, you were not permitted to marry under the Special Marriage Act of 1872. In point of fact, however, marriages did take place between parties who did belong to these religions, in spite of the prohibition, but they made false declarations to the effect that they did not belong to these religions.

In order to get rid of this evil practice of making false declarations, Sir Hari Singh Gour said: "What is all this? Do away with these provisions and allow marriages between persons who belong to these prohibited religions." But the condition he made was that both the parties must belong to the same religion. Now the characteristic feature of the present Bill is that we are doing away with any difference in the matter of religion for the purpose of marriage. Those persons who belong to defferent religions might also marry; a Hindu may marry a Muslim; a Muslim may marry a Hindu; a Hindu may marry a Christian, and so on. That is the characteristic feature.

In judging this Bill, you must not apply the tests which you would apply if you were dealing with, say, a Marriage Bill only for Hindus or only for Muslims or only for Christians. It is a general Bill; it approximates to a uniform code of law for marriage for the whole of India, approaching to what is laid down in the Directive Principles of the Constitution in article 44. Therefore, we must judge the Bill with reference to the scope and object of this measure; it will not do to apply other tests.

It is said: Well, there is a Hindu Marriage and Divorce Bill; why then is this Bill brought forward? This is not meant only for Hindus.....

**Shri N. C. Chatterjee:** That was not the point. The point was why introduce Chapter IV; do not have it.....

**Shri Biswas:** I have not much time to deal with that point. I shall deal with that when you come to that particular provision in that Chapter to which he is taking objection. We shall have time enough to discuss that in the course of clause by clause consideration. If I digress into that, possibly I shall take more time then I have at my disposal now.

The first point that I want to emphasise for the consideration of the House is that you must not apply other tests for the purpose of appraising this measure which is a unique measure so far as India is concerned, introduced for the first time in this year, not before. We must not get away from that basic fact.

Then, as I was saying, although it was criticised during the last session, there was an under-current of feeling that the country needed such a measure. Because we are no longer in 1872 or even in 1923; we have other ideas; society has progressed. Social legislation must keep pace with the times. And, as I have always maintained, it is the function of law to keep pace with and march abreast of the times. If there have been changes in social conditions, laws must adopt and be adopted to them. And that has been the characteristic feature of Hindu Law as well, as my hon. friends rightly pointed out. It is the adaptability of that law which accounts for its vitality, the inherent vitality which has kept it alive through centuries notwithstanding the innumerable shocks that it might have received. It has survived them, and it will survive still. And if this, namely this Special Marriage Act, is regarded by some of my hon. friends as a shock to Hindu religion or Hindu culture, I am sure that Hindu

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religion and Hindu culture and Hindu civilization will be able to bear this shock.

**Shri Nand Lal Sharma** (Sikar): I suppose it is not the last shock.

**Shri Biswas:** I wish my friend had spoken in English. In that case I could have followed him much better. He gave me a shock which I could not absorb!

I will just now deal with a few points —not all, because I cannot cover every point—in a general way, only the important questions. Take the question of age. Different views have been expressed as to the age of the parties for marriage under this law. Leaving aside the suggestions which were made by Acharya Kripalani in the House on the other occasion, bordering almost, I will not say on the ludicrous, but at least humorous, there are only two suggestions worth considering, namely whether we should retain the age of twenty-one years as suggested by the Rajya Sabha, or whether we should restore the age of eighteen years as recommended by the Joint Committee. Eighteen years, as we know, is the age of majority for practically all purposes. And the personal laws of the parties allow marriage long before the age of eighteen. If under the ordinary law a person is competent to enter into any form of contract when he has attained the age of eighteen, there is hardly any reason why he should be made to wait till he attains the age of twenty-one for the purpose of entering into a marriage. Moreover, fixing the age at twenty-one may probably deny to the couple the advantage that they might otherwise have had in having the advice of their guardians, as we provided in the original draft of the Bill. It is common knowledge that in India women in particular mature early, and therefore to make them wait till they attain twenty-one years may not be very desirable. On the whole, the proper course in my opinion will be to restore the age of eighteen and provide that where the parties are between the ages of eighteen and twenty-one, the consent of the guardian should be obtained. This is a matter which the House will have to decide.

In this connection one other point may also be considered. Because the age was raised to twenty-one we eliminated all reference to guardians. If, however, you accept the proposal to reduce the age to eighteen, then you have got to restore that provision. If a guardian is necessary, the expression should be so defined as to restrict it to certain well defined persons like father, mother and the court guardian, so that other pepole who are not interested in the marriage do not interfere with the well being of the couple.

1 P.M.

Then, I come to the question of the apparent inconsistency between clause 4(d) and clause 15(e) as regards customary variations in the prohibited degrees. This matter has been dwelt upon at great length by many speakers on the last occasion and also by several speakers today. While some wanted the inconsistency to be removed by recasting clause 4 (d) in the same manner as clause 15(e), there were others who felt that customs should have no place in this Bill and therefore clause 15(e) should be recast in the form in which clause 4(d) appears. This is a matter, again, which the House will have to decide for itself. This matter requires very careful consideration. I may state my own view and it is this. In a Bill of this nature, there should be no room for any custom. We are enacting a law for all. Therefore, there is no room for any custom. If any one wishes to follow the customary law, it is open to him to marry under his personal law.

**Shri N. C. Chatterjee:** He cannot have it both ways.

**Shri Biswas:** He need not marry under this Special Marriages Act.

There is another point. If one custom prevailing in one part of India is recognised, there is no reason why another custom prevailing in another part of India should not be similarly recognised. Customs may vary not only from place to place, but also from community to community. This is a general law which, as I have said is intended to apply to all persons in India who may seek to take advantage of it. No doubt, it should be so framed that the maximum number of persons become eligible to take advantage of these provisions. From this point of view, the prohibited degrees have been so defined as to constitute a minimum restriction. In framing such a definition regard was had to what may be termed the law of eugenics. In the olden days, when community life was more common and people lived together, the prohibited degrees were naturally much wider. The ancient sages felt that unless some strict rules were laid down, the promiscuous living together of men and women might lead to the lowering down of morals in society, and therefore the prohibited degrees were so fixed as to leave out the possibility of any alliances taking place within the community. Those reasons are not valid now. In fact, the *sapinda* rule, so far as the Hindus are concerned, has already been broken in many parts of India. In the circumstances, it was felt that we should aim only at a rational definition of prohibited degrees, having regard to modern conditions. It will not do to define prohibited degrees in terms of the Hindu law, up to seven generations on the father's side and up to five generations on the mother's side. This is a law for all, and to calculate the degrees in that way would be not a very easy matter. Therefore, to specify the relations who come within the prohibited degrees was the easiest thing.

**Shri N. C. Chatterjee:** Shri S. S. More was not serious.

**Shri Biswas:** Shri U. M. Trivedi suggested that we were copying this country or that country. We are not like slaves. The slavish complex is not mine, but of the hon. Members who take that view. They betray a slave mentality and a slave complex.

If I may refer to my friend Shri Tek Chand, we have read his minute of dissent and seen in what terms he has expressed himself there. In a strong language (*Some Hon. Members*: As usual.) he has characterised those provisions regarding the procedure for solemnisation of marriages in this Bill, as opening the door to fraud, corruption, blackmail and such like things. Very frightening words, but it is very difficult to follow the arguments. The Marriage Officer who must necessarily dispose of the proceedings in a more or less summary manner cannot be expected to go into things as if he was a civil court deciding a civil suit. The parties are sufficiently aged to know what they are doing and if there is any coercion, fraud, blackmail or such like thing, Mr. Tek Chand's services will be always at their disposal!

**Shri N. C. Chatterjee:** On proper consideration!

**Shri Biswas:** Of course! So, the parties will not be left without a remedy, and the Penal Code has not yet been a dead letter. In fact, in clause 25(3) of the Bill itself we have said how the parties affected may obtain relief and remedy.

I also do not understand why any and every person should have the right to object to a marriage on all sorts of possible grounds and so stand in the way of the happiness of the parties to the marriage who are the persons most vitally interested.

This brings me to the other question of publicity. Well, that is a very minor matter. We are going to provide not only that notice of the marriage will be published in the area where the District Registrar's office is situated, but also that notice will be given personally to the guardians, and that ought to remove all possible objections. That provision is not

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there, but I shall be quite prepared to accept such an amendment.

Then comes the question of registration. That again is an important innovation—the right to register a marriage previously solemnized. As the Bill stands this registration is open both in the case of marriages which took place before the Act comes into force and marriages which are solemnized after the Act comes into force. A compromise has been suggested. The suggestion is that we should make it applicable only to pre-Act marriages, not to post-Act marriages, because if it applied to post-Act marriages, the result might be a successful evasion of clause 4 (d), if you leave out of it all reference to custom etc. It is laid down there that you must not come within the prohibited degrees of relationship as specified. It was said: "Well, what people will do is, they will marry according to their personal law which permits of customary variations today; after that is over, the next day they will apply for registration and thus they will evade clause 4." There is a good deal of force in that argument, and so the suggestion has been made that this clause 15, the registration clause, should be limitted only to post-Act marriages. That again is a matter which the House, I hope, will carefully consider.

Then there are other questions also to be considered in this connection. Well, I will reserve that till the next stage.

**Shri B. N. Misra** (Bilaspur-Durg-Raipur): What about the mutual consent?

**Shri Biswas:** I shall not deal with registration any further. I am proceeding serially. Then, the question of joint family, clause 19, has received the greatest attention in the other House and also in this House. But the fears, are rather sentimental. What will happen is this. If the fact of marriage effects a severance from the joint family, the member of the joint family who marries under this Bill will be reduced to the status of a *Dayabhaga* coparcener, and not a *Mithakshara* coparcener. It does not cut him off from the right of common worship with other members of the family. He has not got to go out lock, stock and barrel. It only affects a notional partition. That is to say, his interest in the coparcenary property, which was a fluctuating interest, which would vary with deaths and births in the family, will become fixed just as under the Estate Duty Act; notionally, he will be a member of an undivided family, and therefore, you know exactly what his share or interest is. That is the effect of severance. There is nothing else. We are providing that if he has children by the first wife, it does not affect them; those children will be governed by their own laws, such as the Hindu law of succession, for instance. But so far as the man who marries, who will be served from the family is concerned, supposing he has any issue by the marriage, the Indian Succession Act would apply to them.

**Shri V. G. Deshpande:** What will happen if he marries the same wife, and registers that marriage?

**Shri Biswas:** I shall come to that at a later stage. What I am pointing out now is that severance from a joint family does not necessarily mean that the man has got to get out of the house lock, stock and barrel. On the other hand, there is a good deal of advantage. If the Indian Succession Act is to apply, that means his daughter will get a full share, and not merely a half-share that is going to be provided in the Hindu Succession Bill. For those people, who are situated like myself, who unfortunately are blessed only with daughters and no sons, I may think that this is a much better thing to have.

**Shri A. M. Thomas** (Ernakulam): Daughters are more affectionate.

**Shri N. C. Chatterjee:** He cannot apply for registration.

**Shri Biswas:** I was only arguing that the Indian Succession Act is sometimes a benefit, and not a disadvantage. That was what I was pointing out.

I now come to the question of divorce by consent. This is one provision which has evoked the greatest controversy. It is quite true that in many of the advanced countries, divorce by mutual consent is not permitted. Having regard to the sanctity of marriage, and having regard to the fact that the State is interested in preserving marriages and not in breaking them, except in extreme cases, divorce by mutual consent may not be looked upon with favour. Moreover, in India, this provision is quite capable of being misused, particularly because the woman has no economic independence and is still in a very backward state. It is not necessary to say that divorce by mutual consent exists even in some parts of India like Malabar, or, say, in our neighbouring country, Burma. The property laws in these two territories, Malabar and Burma, are so framed that their women need not be at the mercy of men for anything, and therefore, divorce by mutual consent has probably not produced any disastrous consequences. In passing, I may observes that I have received representations from one or two persons from Malabar, complaining of the position of men in that society, and comparing their lot with the lot of Hindu widows in the rest of India. Consequently, it is not correct to draw any inspiration from the south-west corners of India always. If this provision were allowed to remain—and that is one more important point which I would like to mention—it may very well happen that in no case will the consent of the woman be voluntary On the other hand, it would be argued that where two parties have so fallen out that the relationship between the two has become so estranged that it has become impossible for them to live together any longer, and where there is no other matrimonial fault, it is but right that they should be allowed to separate. This is really not making a mockery of marriage, but merely providing a better method by which such persons are allowed to part in peace.

Perhaps if the clause was redrafted so as to provide that the application to court should be jointly made, that after the application a period be allowed for *locus paenitentiae* and that certain other conditions should precede the maintainability of such application, it may be made more acceptable. But this is a matter which the House will carefully consider when we come to the clause by clause stage.

I do not think I need take up any further time because I have dealt with the important points, and detailed consideration will wait till we take up clause by clause.

**Mr. Chairman.** The question is:

"That the Bill to provide a special form of marriage in certain cases, for the registration of such and certain other marriages and for divorce, as passed by the Rajya Sabha, be taken into consideration."

*The motion was adopted.*

**Mr. Chairman:** The House will now stand adjourned till 8-15 a.m. tomorrow.

*The Lok Sabha then adjourned till a Quarter Past Eight of the Clock on Thursday, the 2nd September, 1954.*